



WITHDRAWN







HENRY CLAY

BIOGRAPHY
OF
HENRY CLAY.

30873

BY GEORGE D. PRENTICE, ESQ.

Hartford :
SAMUEL HANMER, JR. AND JOHN JAY PHELPS,
PUBLISHERS.

1831.

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District of Connecticut, ss.

BE IT REMEMBERED, That on the fourth day of December, in the fifty-fifth year of the independence of the United States of America, Samuel Hanmer, Jr. and John Jay Phelps, of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit:

"Biography of Henry Clay. By George D. Prentice, Esq."

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CHARLES A. INGERSOLL,
Clerk of the District of Connecticut.

A true copy of record, examined and sealed by me,

CHARLES A. INGERSOLL,
Clerk of the District of Connecticut.

PREFACE.

I SHOULD be blind indeed to the present state of publick feeling, not to be aware, that, in presenting this volume to the publick, I am exposing my name, humble as it is, to much obloquy. This, however, is a matter of little consequence. I have guarded myself against the more disagreeable effects of abuse, by endeavouring not to deserve it. My motives are good; and hence I am willing that the breath of political malice should, like the wind, "blow where it listeth," and I shall not stop to inquire "whence it cometh or whither it goeth."

The publick are perhaps apprized, that most of the following pages have been prepared at Lexington, near the residence of Mr. Clay. From this circumstance, I deem it proper to say, that Mr. C. is, in no degree, responsible for the manner or matter of a single paragraph in the volume. I have often had the pleasure of meeting him in society, but I am confident that he has communicated to me far less information, with regard to himself, than he would naturally have done, had he not known that I was preparing a sketch of his life. Some months ago, my Publishers applied to him, by letter, to know whether he was willing that his Biography should be given to the world. In his answer, he stated, that, as his acts were before his fellow-citizens, he could properly exercise no censorship or control over the comments, either of friends or enemies; but, that he must frankly acknowledge the repugnance of his own private feelings to the contemplated publication. Had I read this answer in season, I should have remained in New-England.

For many of the imperfections of this volume, the intelligent reader will require no apology. During the greater part of my stay in Kentucky, I have been unable, from indisposition, to endure the labour of writing; and hence, when my health has permitted, I have necessarily written with a degree of haste wholly inconsistent with the care and attention which, under other circumstances, I should certainly have bestowed upon my work. The necessity of sending the manuscript to New England, sheet by sheet, without even allowing myself time to preserve copies of it, has undoubtedly led to some errors of plan and arrangement. The same necessity, together with that of limiting the volume to a given number of pages, has compelled me to omit several important incidents in the more recent portion of Mr. Clay's history.

I am not unaware, that the written history of a man, whose life exhibits no adventures, save those of an intellectual character, is seldom read with that enthusiasm, which is generally called forth by the story even of a second rate chieftain. The reading community are more fond of tracing the progress of action than of thought, although the latter is the source of the former. They can gaze with rapture upon the beauty or magnificence of the stream, without caring to understand the mysteries of the power by which the fountain-wave is cast up from its secret source. The achievements of the great intelligences of the age are too little regarded. If mankind would be careful to trace the mental histories of the mighty ones of the earth; if they would but mark the gradual unfolding of the principles, the powers, and the passions, of those great master spirits, that give form and pressure to the ages in which they live; each generation would be furnished with an amount of moral power, by which it might elevate itself into a nobler sphere of being, and leave behind it a long train of glory for the illumination of posterity. Henry Clay is such a man—one, whose moral and mental history shou'd be regarded as a portion of the common riches of the human race—one of those noble-minded existences, from whom the world's happiness and glory are yet to spring; and there is more profit in scanning the mind of such a being—in marking the origin, the combination, and the development of its powerful elements—than in contem-

plating the successes of all the military conquerors, from Alexander to Napoleon.

I have already been freely charged with undertaking the Biography of Henry Clay, with a view to influence an approaching political election. That I have formed my opinions on the subject of that election is certainly true. That I wish, by every honourable means, to diffuse those opinions, is equally true; and if this sketch of what Mr. Clay has done—this imperfect detail of his struggles and his triumphs in his country's cause—shall have a tendency to quell the spirit of detraction, that, for years, has been pursuing him with a malice not of this world, the result of my labours will, thus far, be gratifying to my feelings. This is no place for the discussion of political topicks; yet, I cannot forbear saying, that, if the personal enemies of Henry Clay succeed, to the extent of their present efforts, his achievements and his reward will bear a parallel to those of the Titan, who, for his divine gift to the human race, was doomed to undying agonies.

In the following work, I have, when speaking of Mr. Clay's intellectual efforts upon the floor of Congress, endeavoured to give, in most cases, a general idea of the arguments by which he sustained his opinions. I am sensible that I have, in no case, done these arguments justice; but, perhaps the faint and disfigured copies which I have given, may have the effect to turn the attention of some of my readers to the glorious originals. Whenever attempting an outline of Mr. C.'s arguments, I have used his phrasology or my own, according as I found either the one or the other best adapted to my purpose.

THE AUTHOR.

Lexington, Kentucky, November 14th, 1830.

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BIOGRAPHY
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SECTION FIRST.

THE life of Mr. Clay is so thoroughly interwoven with the civil and political history of the country, that it would be impossible to do full justice to it, without embracing a range of topics and an exactness of detail, that would extend the present volume far beyond the limits which we must necessarily allot to it. During the last twenty years, scarce a single great and salutary measure has been adopted, upon which the signet of his wisdom is not set, and therefore we may well leave to the Nation's future historian the task of furnishing a minute record of his intellectual achievements. Our task will be of a less ambitious character.

Henry Clay was born in Hanover county, Virginia, on the 12th of April, 1777. His father, a clergyman of considerable talent and high respectability, died while Henry was yet a child. By the kindness of a gentleman in Virginia, we have been furnished with a variety of interesting anecdotes in relation to the ancestors of the subject of these memoirs, but we scarce deem it expedient to give them to the publick. We are writing the life of a man, whose fame, whatever it may be, is his own creation, and not an inheritance from his progenitors. His claims to

distinction are rested on something better than a penny's worth of ribbon transmitted from generation to generation—the light which hovers around his name, is something more glorious than the phosphorick ray, that gleams from amid the bones of a buried ancestry.

At an early age, Henry Clay, having obtained a common-school education, was placed in the office of Mr. Tinsley, Clerk of the High Court of Chancery, at Richmond, Virginia. In this situation, he met occasionally with the distinguished men of the State, and, at length, by his amiable deportment, and his striking displays of intellect, attracted the attention and gained the friendship of Chancellor Wythe and Governor Brooke, who, by their joint advice, persuaded him, at the age of nineteen, to undertake the study of the law. For this study he seemed peculiarly fitted, both by genius and inclination, and so assiduous was he in his application to it, that, at the age of twenty, he was admitted to practice. Soon afterward he went to Lexington, Kentucky, but, instead of entering immediately upon his professional career, still confined himself to his legal studies, with the determination of making himself thoroughly master of the great principles of law, before he assumed the responsibility of practice. Up to this period, he had never made an effort at publick speaking, and was wholly unconscious of his own oratorical powers, although it is said, that his style of conversation was universally admired by his associates, for its extreme correctness and elegance. The first display of his powers of extemporaneous eloquence was made under peculiar circumstances. Soon after his removal to Lexington, he joined a Debating Society in that place, but continued, for some weeks, to attend its meetings, without offering to take part in its discussions. On one occasion, however, when the vote on an interesting question, which had been

the subject of debate, was about to be taken, Mr. Clay remarked, in a low but audible whisper, that the subject did not appear to him to have been exhausted. This remark was overheard by several of the members, who, from their high opinion of his powers, had long wished to persuade him to participate in the debates of the Society, and they addressed the Chairman simultaneously—"Do not put the question yet—Mr. Clay will speak." The attention of the Society was now, of course, directed to Mr. Clay, who, not having sufficient confidence to resist the appeal, arose under extraordinary embarrassment, and commenced his speech, by saying—"Gentlemen of the Jury." The members of the Society, all of whom were his personal friends, were unwilling to increase his agitation by seeming to take notice of his mistake, and he repeated it several times in a stammering tone, till, at length, he gradually gained confidence from his own efforts, and finally, concentrating all his vigorous and disciplined powers upon the subject in debate, he surprised his audience with a beauty and compass of voice, an exuberance of eloquence, and a force of argument, well worthy of a veteran Orator. A gentleman who heard this speech, has assured us, that it would hardly suffer in comparison with those brilliant efforts of its author, which have since thrilled like a voice of salvation through the country. It is scarcely necessary to add, that his reputation as a speaker was at once established, and that he immediately became a leading champion in all the debates of the Society. The circumstances attending the first speech of Mr. Clay, and that of Mr. Burke, were strikingly similar. We have somewhere read, that the latter orator, like the former, gained in a Debating Society the first knowledge of his own vast powers, and was there first visited by visions of coming glory.

A few months after the incident above mentioned, Mr. Clay was admitted as a Practitioner before the Fayette Court of Quarter Sessions, a court of general jurisdiction. His experience, while with the clerk of the Richmond Court of Chancery, had acquainted him with the routine of business, and, during the first term, he obtained an extensive practice. The Lexington Bar, at this time, was the ablest that had ever been in Kentucky, consisting of George Nicholas, John Breckenridge, James Brown, James Hughes, William Murray, and several other gentlemen, either of whom would have been the leading attorney in almost any other place. Notwithstanding the number, experience, and strength of these competitors, Mr. Clay soon came to be entrusted with more suits than any rival practitioner, and was more successful in the management of them. It is said of him, that, although he was frequently called on to address the Court with but little time for preparation, he always understood his causes well, his strength of mind and perspicuity of judgement being such as to enable him to comprehend them at a glance. We have heard much in relation to his early professional efforts. They are well remembered by his fellow citizens, from whom we learn, that he was universally regarded as a powerful spirit, destined, in the meridian of life, to take his place among the leading intelligences of the age. He certainly possessed, in a remarkable degree, those qualities and powers of mind, which fitted him for success in his legal practice. He always seemed to discover, as if by intuition, the peculiar character of every man with whom he came in contact. He would read it in the eye, and in the flitting expression of countenance, and this power, especially when he was called on to address a Jury, enabled him almost invariably to triumph. By watching with the instinctive keenness

of his vision the vibration of the master-chord in each man's bosom, he knew when to confine himself to severe argument, when to indulge in the playfulness of humour, when to wither his victim with the scorching blast of his indignation, and when to pour his whole soul abroad in a rushing tide of eloquence; and if, at any time, he chanced to excite an unfavourable prejudice on the part of his hearers, he would perceive it on the instant, and dexterously change his subject, or his mode of treating it, until he read in their countenances the proofs of his success. The consequence was, he scarcely ever failed of gaining the verdict of a Jury. This intuitive knowledge of character is undoubtedly one of the means by which he has so generally through life secured the attachment of his associates. Probably he has more personal friends--more friends, who, in the fullness of their enthusiastick love, would almost shed their blood for him, than any other man in the United States. This fact is, in part, owing to the manliness and ingenuousness of his character, but it must also be partially ascribed to that unerring certainty with which he reads the thoughts, habits, and feelings of those who approach him, and the skill and delicacy with which he adapts himself to their peculiarities.

Mr. Clay, though well acquainted with the law during the early years of his practice, was not, in this respect, distinguished beyond some of his competitors. In legal science he had several formidable rivals, but, in eloquence and persuasion, none. Though capable of analyzing the most difficult questions, and applying the abstract principles of law with extreme ingenuity and force, his genius was still better adapted to discussions, in which the natural powers of intellect were principally called into exercise. Whenever the subject of debate admitted of being brought within the range of reason, and his mind was al-

lowed to break away from the technicalities and arbitrary forms of law, he never failed to excite admiration and surprise by the closeness and cogency of his reasonings, the boldness and originality of his conceptions, and the sublime strength of his language—sometimes pursuing, by the hour, an unbroken chain of metaphysical disquisition, and then giving utterance to a gush of magnificent thoughts, like the bursting forth of an imprisoned fountain. It is, by no means, rare, that the greatest minds are not those which are most conversant with the trifling details of legal decisions. Genius delights in open space. It is the Eagle, that dashes freely abroad through sun and storm, and not the Canary, that is content to nibble at its narrow cage in the parlour window.

Mr. Clay had not been long in practice, when he was employed to defend Mrs. Phelps, a woman indicted for murder. Up to the time of this trial, it had been doubted by some, whether his powers as an advocate were not overrated by a too partial public. It had been sometimes suggested, that the youthful stranger caught the eye and charmed the ear by the fascination of his manner and the melody of his voice, rather than convinced the understanding by the profundity and force of his arguments; but all controversy upon this point was now to be put forever to rest. Mrs. Phelps was the wife of a respectable farmer, and was herself respected, both on account of the general correctness of her deportment, and the good character of the family from which she was descended. Her victim was a Miss Phelps, a beautiful and amiable young lady, and the sister of her husband. It seems, that Mrs. P., while in her husband's house, taking some offence at her sister-in-law, seized a gun and shot her instantly through the heart. The poor girl had only time to exclaim, "Sister, you have killed me," and ex-

pired. This case excited the intensest sympathy for the husband of the accused, and gave rise to a thousand speculations as to the nature and extent of the crime. When the trial came on, the Court-House was crowded to overflowing, and the interest of the spectators was eloquently expressed by the anxiety of their countenances, and the deep hush that pervaded the hall. The fact of guilt on the part of the defendant could not be contested. The act, for which she stood indicted, had been committed in the presence of several witnesses, and of course, the only question was, to what class of crimes the offence belonged. If it was pronounced murder of the first degree the life of the wretched prisoner would be the forfeit, but if manslaughter, she would merely be punished by confinement in the gaol or penitentiary. The legal contest was long and able. The efforts of the counsel for the prosecution were such as might have been expected from a powerful and learned man engaged in a case of deep and general interest; yet Mr. Clay not only succeeded in saving the life of his client, but excited in her behalf such a degree of pity and compassion, by his moving eloquence that her punishment was mitigated to the lowest degree permitted by the law. In the management of this case, Mr. C. convinced his fellow citizens, that he was not only profoundly versed in the criminal laws of his country, but that he was skilled in the science of human nature, and knew the home of every weakness and passion.

Another criminal case, in which Mr. Clay was engaged shortly afterward, is said to have been scarcely less interesting. It was tried in Harrison County. Two Germans, father and son, had been indicted for murder, and Mr. C. was employed to defend them. The deed of killing was proved to the entire satisfaction of the Court, and was considered an aggravated murder. The whole o-

Mr. C.'s efforts were consequently directed, not to the entire exculpation of the defendants, but to the saving of their lives. After a warm and uninterrupted struggle of five days, he succeeded. The Jury found a verdict of manslaughter. Not satisfied with this signal triumph, Mr. C. moved an arrest of judgement, and, after another day's contest, prevailed in this also, and, of course, the prisoners were discharged, without even the punishment of the crime of which the Jury had found them guilty. During the whole of this long trial, an old, ill-favoured German female, who was the wife of the elder prisoner and the mother of the younger, had been sitting in one unvaried posture, watching the countenances of the Jury, and listening to the spirited contest of the counsel, though she probably understood little of the language in which it was conducted. After the success of the final motion for an arrest of judgement, a gentleman, who had been observing her, approached where she sat, and whispered in her ear, that her husband and son were acquitted. Her sudden rapture broke over all restraint. She threw up her arms in a wild excess of joy, and ran to Mr. Clay, and, clinging with desperate strength to his neck, almost smothered him with her kisses. The young advocate, no doubt, would willingly have dispensed with these tokens of female favour; but the hearts of the spectators were so touched and purified by the contemplation of the happiness they witnessed, that, if a smile rested for one moment upon the lip, it was a smile, not of derision, but of sympathy and kindred joy.

Whilst we were making inquiries in relation to the cases in which Mr. Clay distinguished himself, during the early part of his legal practice, we were, several times, referred to that of a Mr. Willis, a citizen of Fayette County, who, as was supposed, had committed a mur-

der, under circumstances of peculiar cruelty and cold-bloodedness. From representations made previous to the trial, Mr. C. consented to undertake his defence, and, by a mighty effort, succeeded, in almost direct defiance of testimony, in creating a division of the Jury as to the nature of the defendant's crime. This was the object at which he specifically aimed. At the next session of the Court, the Attorney for the Commonwealth moved for a *venire facias de novo*, in other words, a new trial, which was granted by the Court. Mr. Clay made no opposition to this motion, but reserved all his strength for the argument before the Jury. When his turn came for addressing them, in reply to the arguments of the Attorney for the Commonwealth, he rose, and commenced with assuming the position, that, whatever opinion the Jury might have of the guilt or innocence of the prisoner, it was too late to convict him, for he had been *once tried*, and the law required, that no man should be put twice in jeopardy for the same offence. The Court was startled at this assumption, and peremptorily prohibited the speaker from proceeding in the argument to maintain it. Mr. Clay drew himself proudly up, and remarking, that, if he was not to be allowed to argue the whole case to the Jury, he could have nothing more to say, made a formal bow to the Court, put his books into his green bag, and, with Roman dignity, left the hall, followed by his associate counsel. The consequence was as he had foreseen. He had not been at his lodgings more than five or ten minutes, when he was waited on by a messenger from the Court, requesting his return, and assuring him, that he should be permitted to argue the case in his own way. Instantly he made his re-appearance in the Hall, pressed, with the utmost vehemence, the point he had before attempted to establish, and, on the ground that his client

had once been tried, prevailed on the Jury to give him his liberty, without any reference whatever to the testimony against him. Such a decision could not now be obtained in Kentucky, and, at the period in question, was obviously contrary to law.

We have found, from an examination of the court records, in Fayette and the neighbouring counties, that, in trials for capital crimes, Mr. Clay was almost uniformly the advocate of the defendant. We know but one exception, and this grew out of his public relations. It appears, that he had made an effort to procure the office of prosecuting attorney for one of his friends. The Court, however, would not give it to this friend, but were willing to confer it on Mr. Clay himself. The latter felt a strong repugnance to the appointment, but consented to accept it, from a belief, which afterwards proved correct, that he should be able to transfer it to his friend in a short time. While in the discharge of the official duties of his station, he appeared at the bar against a man accused of a capital offence. The defendant was a negro slave—a proud and faithful servant—and one, who had never been accustomed to the degradation of corporeal chastisement. During a temporary absence of his master, however, he was placed under the charge of a young and passionate overseer, who, for some slight or imaginary offence, struck him rudely with a horse-whip. The spirit of the slave was instantly roused, and, seizing a weapon that was near him, he laid his overseer dead upon the spot. This offence, if the perpetrator had been a white man, would have been so clearly a case of manslaughter, that the counsel for the prosecution would have contended for nothing more. It had all the distinguishing characteristics of manslaughter, having been committed in a moment of sudden exasperation, and without the shadow

of previous malice. The negro, however, stood indicted for *murder*, and it belonged to Mr. Clay, as counsel for the Commonwealth, to sustain, if possible, the indictment. In order to this, he contended, in a long, subtle, and elaborate argument, that, although a white man, who, in a fit of rage on account of personal chastisement killed his assailant, would be guilty of manslaughter and not murder, a slave could plead no such mitigation of a similar offence, inasmuch as it is the *duty* of slaves to *submit* to punishment. We have not a doubt, that this argument was directly opposed to the true spirit of the law. Perhaps a slave *is* bound by law to submit to chastisement—but does not the law require a white man to *submit to the same thing*, rather than *take life*? Certainly. Even manslaughter is punishable with imprisonment. The particular law, which *distinguishes manslaughter from murder*, has no reference to the *duties* of the offender, but has its whole foundation in the indulgence, which has been thought due to those weaknesses and passions of human nature, which lead to the *violation* of duties. Every man, who, in a moment of excitement, takes life to revenge a personal indignity, is *guilty of a wrong*—the white man no less than the slave. The law of manslaughter inquires only as to the fact of the *existence* of the excitement at the time the deed is perpetrated—and its provisions are as valid in behalf of the slave, as of any other member of the community, unless it can be shown, that the endurance of the wrongs and miseries of slavery annihilates the darker passions, instead of fostering and unchaining them, in all their wildness and strength. Mr. Clay was successful in his argument, notwithstanding the invalidity of his positions. By his strong and plausible reasonings, and the exuberance and felicity of his illustrations, he wrought so completely upon

the minds of the Jury, that the prisoner was convicted of murder, and sentenced to death. Soon afterward, he was borne to the place of execution, and the pride of spirit and character, which he there displayed, is said to have been worthy of a Roman patriot. Being asked, whether he was anxious that his life should be spared—"No!" said he, sternly, "I would not live a day longer, unless in the enjoyment of liberty." Mr. Clay was not a witness of the execution, but we have heard him remark, that he regretted the part he had taken in procuring the conviction of this poor slave, more than any other act of his professional life.

It is indeed a remarkable fact, that, notwithstanding the immense number of capital cases, which Mr. Clay has defended, *not one of his clients was ever sentenced to death.* We do not believe, that the history of any other advocate, either living or dead, can exhibit such a series of splendid triumphs. The state of society that existed in Kentucky, some years ago, is well known. Murders were of frequent occurrence, and, as a natural consequence, Mr. C. was almost constantly engaged in defending the accused. From his uninterrupted success, it will readily be inferred, that, whenever those who were indicted for murder were so fortunate as to engage his professional services, they felt that their lives were safe. Such was indeed the case—but Mr. C. would not consent to undertake the defence of all prisoners indiscriminately. It is said of him, that he never, in a single instance, consented to appear in behalf of a man charged with a capital crime, unless he either believed the charge to be unfounded, or discovered in the crime some little palliating circumstance, which enlisted his benevolent sympathies. Such indeed is the ardour of his temperament, that, whenever he had once enlisted for a client, his feelings con-

tinued deeply and thrillingly interested, whatever facts might be developed in the progress of the trial. He has often been heard to say, that he was never engaged in conducting any defence, where he would not gladly have given up the last cent of his fee, if, by so doing, he could have advanced, in the slightest degree, the interests of his client's cause.

Although Mr. Clay was peculiarly distinguished for his skilful management of criminal causes, his success in civil suits was scarcely less signal. In suits that involved the land laws of Virginia and Kentucky, he had no rival.—But it would be in vain to attempt even an enumeration of the cases, in which, during the early years of his practice, he gathered a rich harvest of gold and fame. In a short biographical sketch, that was given of him about three years ago, we find mention of an incident in his professional life, which was certainly a striking illustration of the rapidity of his intellectual combinations, and his power of seizing upon the strong points of a case intuitively. We give it as a single specimen of what he could do. In conjunction with another attorney of eminence, whose name we have forgotten, he was employed to argue, in the Fayette Circuit Court, a question of great difficulty—one, in which the interests of the litigant parties were deeply involved. At the opening of the Court, something occurred to call him away, and the whole management of the case devolved on his associate counsel. Two days were spent in discussing the points of law, which were to govern the instructions of the Court to the jury, and, on each of these points, Mr. C.'s colleague was foiled by his antagonist. At the end of the second day, Mr. Clay re-entered the Court. He had not heard a word of the testimony, and knew nothing of the course which the discussion had taken, but, after

holding a very short consultation with his colleague, he drew up a statement of the form in which he wished the instructions of the Court to be given to the jury, and accompanied his petition with a few observations, so entirely novel and satisfactory, that it was granted without the least hesitation. A corresponding verdict was instantly returned by the jury; and thus the case, which had been on the very point of being decided against Mr. Clay's client, was decided in his favour, in less than half an hour after Mr. C. entered the Court-House.

SECTION SECOND.

THE commencement of Mr. Clay's political career may be dated as far back as the year 1797—a period at which he had scarcely begun the practice of law. The people of Kentucky were then about to elect a convention to frame a new constitution for the state; and one feature of the plan, which had been submitted to them, was a provision for the final emancipation of the slave population. The strongest prejudice of a majority of the people in every part of the state, were arrayed against this measure, and Mr. C. was aware of the fact, but his sentiments and his feelings were on the side of emancipation; and, without taking a moment's heed to his popularity, he entered into the defence of his favourite policy, with all the deep and unquenchable ardour of his nature. His vigorous pen was busy in the public journals, and his eloquent voice was raised in almost every assemblage, in favour of the election of men to the convention, who would contend for the eradication of slavery. Let it not be supposed, that the principles which he essayed to vindicate, were the same that are avowed by certain ill-judging philanthropists of the present day. He did not contend for the abolition of slavery at once, but by a slow and certain process. He did not propose to break suddenly down the barriers of the fearful lake, and let the dark and thundering torrent sweep over the country, like the tide of death—but to open an outlet, through which the waters might pass off in silence and safety. The struggle was a fierce one; but the advocates of slavery prevailed, and the young champion of liberty and equal rights, who had

made the aristocrats of the land tremble for their ancient prerogatives, became unpopular on account of the part he had acted. The true principles of slavery were not then understood. The idea of emancipation was new. It alarmed the prejudices of the multitude, and Mr. C's. powerful vindications of it, were regarded by many, rather as the brilliant but wayward efforts of a young votary of ambition, striving to attract attention by the startling and paradoxical character of his opinions, than as the results of a calm and deliberate conviction of right. This was unquestionably a mistake. His sincerity in opposing negro servitude was manifest from every act of his life—from his professional, no less than from his political exertions. Whenever a slave brought an action at law for his liberty, Mr. C. volunteered as his advocate; and, it is said, that in the whole course of his practice, he never failed to obtain a decision in the slave's favour. A passion for the liberty of mankind seems to have formed, at that early period, a portion of his being, and he has not changed since. He has been the slave's friend through life. In all stations he has pleaded the cause of African freedom, without fear from high or low. To him, more than to any other individual, is to be ascribed that great revolution which has taken place in the public sentiment upon this subject—a revolution, whose wheels must continue to move onward, till they reach the goal of universal freedom. A conviction of the expediency and necessity of ultimate emancipation, has been spreading farther and farther among our countrymen, and taking deeper and deeper root in their minds, and it requires not the spirit of prophecy to foretell the end. This rapid and continued triumph of the principles, which it was the object of Mr. Clay's first political labours to establish, may well be a

source of pride to him, and honest exultation to his friends.

The partial unpopularity which Mr. Clay brought upon himself, by his bold and persevering advocacy of a measure, which the majority of his fellow-citizens considered as tending to the subversion of their most important interests, was not of long duration. In 1798—99, the administration of the general government enacted the famous alien and sedition laws, which the democracy of the country justly regarded as violations of the spirit of the constitution, and flagrant aggressions upon the independence of the people. The spirit, which was thus awoken throughout the country, too fierce to be quelled till the administration retraced its steps, is still vivid in the memories of the politicians of that period. Kentucky was one of the first states to array herself against the obnoxious laws, and she kept her attitude, undaunted, to the last. On this occasion, Mr. Clay came forward in defence of the rights of the people; and, notwithstanding his youth and inexperience, and the extraordinary zeal and eloquence of some of the gentlemen who were engaged in the same patriotick cause with himself, he was soon regarded as one of the master-spirits of his party. The object of his exertions was, at once, worthy of his powers, and adapted to their noblest manifestations. He has been deservedly called "the great commoner." It is in the defence of popular rights, and the indignant denunciation of aristocratical tyranny, that his eloquence has been most frequently exerted. A gentleman, who was present at one of the discussions of the alien and sedition laws, informs us, that it would be impossible to give an adequate idea of the effect produced. The populace had assembled in the fields, in the vicinity of Lexington, and were first addressed by Mr. George Nicholas, a distin-

guished man, and a powerful speaker. The address of Mr. Nicholas was long and vehement; and when he descended from his stand, he was greeted by the most enthusiastick cheers of the multitude. The name of "CLAY" was now shouted from all parts of the assemblage, and the young orator made his appearance. It was a proud day for him. He resumed the subject of governmental usurpation, which had been discussed by Mr. Nicholas, and set it in a new and more striking light, until indignation came like a dark shadow upon every countenance. The flame that burned in his own heart, was caught up and lighted in every other. He ceased—but *there was no shout*. The feelings of the gathered multitude were too wild and deep for applause; and a low, sullen murmur, rose upon the air, like the ominous tones of the ocean, when "the infant storm is sitting on his dim dark cloud." Mr. William Murray, a man of great worth and popularity, though a federalist, and a supporter of the administration, now attempted to address the people, in reply to Nicholas and Clay. For some time his efforts were in vain; and he would have been driven from his stand, had not his opponents generously interfered in his behalf. He, too, was a man of strength and eloquence; but now, when his words followed those of Clay and Nicholas, his voice seemed to have lost its spell—it was the quick patter of the rain after the bolt had fallen. Another federalist, whose name we have forgotten, attempted to follow, in support of Mr. Murray—but the people would hear no more. His first words were the signal for a simultaneous rush from all directions toward the spot where he stood; and it was only by a precipitate flight into the country that he escaped being treated with personal indignity. The people now took Clay and Nicholas upon their shoulders, and forcing them into a carriage, drew them through

the streets, amid shouts of applause. Such an incident in the life of a young orator, who, as yet, had scarcely attained to the years of manhood, must have made him feel that he had a spirit within him, which might enable him to acquire a fame that would gather freshness from the stream of years, and flourish beautifully over his tomb, like ivy over the ruins of a fallen temple.

In 1803, while Mr. Clay and a number of his friends were at the Olympian Springs, in Bath county, there was an election of members of the legislature; and, without Mr. C.'s consent or knowledge, a poll was opened for him in the county of Fayette. At first, his success seemed impossible—several old and distinguished candidates having already been brought before the electors. During the first and second days he received a very respectable support, but was not, it is believed, in advance of his rivals, who were constantly on the ground, haranguing the people in favour of their respective claims, and insisting that Mr. Clay did not wish the office, to which his friends had nominated him. On the evening of the second, or the morning of the third day of the election, Mr. C. himself arrived on the ground. At first he adopted the resolution of taking no part in the contest; but after listening, for some time, to the electioneering speeches of his competitors, and witnessing the arts of intrigue that were practised to defeat him, his feelings became gradually interested, and he, at length, addressed the electors in person. His remarks were few, but well directed. He told his fellow-freemen that he was, indeed, young and inexperienced, and had neither announced himself as a candidate, nor solicited their votes; but that, as his friends had thought proper to bring forward his name, he was anxious not to be defeated. He then gave an explanation of his political views, and closed with an ingenuous ap-

peal to the feelings of the people; and such was the effect produced, that his election was subsequently carried, almost by acclamation. This was Mr. C.'s first election to any office; and when we recollect that it took place in a state where, especially at that period, it was the universal practice of candidates to proclaim their own names and qualifications several weeks previous to the day of trial, and seek for support by intrigue, in all its forms of wickedness and cunning, we shall readily conclude that Mr. Clay was regarded, in his own county, as a young man of extraordinary intelligence and political virtue. It is worthy of remark, that the confidence which was thus reposed in him in his earlier years, has never been withdrawn. Whenever his friends have asked an office for him at the hands of the citizens of Fayette, it has been given him by an overwhelming majority.

One of the immediate causes of Mr. Clay's election to the office of representative, in 1803, grew out of the state of public feeling in Fayette, on the subject of the Lexington Insurance Office. Mr. Felix Grundy, then an influential politician in Kentucky, had given evidence of an intention to procure the repeal of the law incorporating the insurance office; and, with a view to this object, was electioneering in the counties south of the Kentucky river. Mr. Clay, being engaged in the practice of law, gave little attention to Mr. Grundy's movements; but it was well known in Fayette, that he regarded the object of Mr. G. as both inexpedient and unconstitutional. Holding these views, he was selected by the friends of the insurance office as their champion. During the legislative session of that year, he easily defeated the attempt that was made to repeal the law of incorporation; but in the following year, 1804, Mr. Grundy himself obtained a seat in the house, and brought with him a majority of inmembers

pledged to support his views. In such a state of things, it was supposed, that argument would be of no avail. The representatives of the people, even if convinced of the impropriety of the repeal, would have no right to act on that conviction. Mr. Clay, however, met Mr. Grundy in the debate, determined, at least, that the character of the measure, which was about to be forced so improperly through the house, should be thoroughly exposed and understood. The only heroes in opposition were Clay and Grundy, both good speakers, and youthful politicians; and the display of talent by each was so brilliant during the two days of the discussion, that the hall was thronged with spectators, many of whom could obtain no seats; and the members of the Senate were in almost constant attendance at the house. It was the one great debate of the session. All acknowledged that Grundy had talents, and that he managed the debate with extreme adroitness; but no one pretended that he was equal to his opponent, either in elocution, political information, logical skill, or extent of mental resources. After finding himself compelled to desist from offensive warfare, he tried every expedient to secure a safe escape; but his eagle-foe pursued him close in all his movements—his sweeps towards earth, and his flights towards heaven—and, at last, grappled with him, and held him fast. In the trial of numbers, which followed this encounter, Mr. Grundy's party prevailed, as had been foreseen; but this poor triumph availed nothing. Mr. Clay had so plainly demonstrated the unconstitutionality and impolicy of the measure, against which his efforts were directed, that the members of the Senate, who had been present, reversed the doings of the house without a division, and almost without a discussion, and the insurance company was permitted to retain its charter.

In the course of the legislative session of 1805, Mr. Clay made an effort to procure the removal of the seat of government from Frankfort; and his speech on the occasion is said to have been an inimitable specimen of argument and humour. Frankfort is peculiar in its appearance and situation, being sunk down, like a huge pit, below the surrounding country, and environed by rough and precipitous ledges. "We have," said Mr. C., "the model of an *inverted hat*—Frankfort is the body of the hat, and the lands adjacent are the brim. To change the figure, it is *nature's great penitentiary*; and, if the members of this house would know the bodily condition of the prisoners, let them look at those poor creatures in the gallery." As he said this, he pointed with his finger to half a dozen figures, that chanced, at the moment, to be moving about in the galleries, more like animated skeletons just escaped from the grave-yard, than ordinary specimens of humanity. The objects thus designated, seeing the attention of the whole assembly suddenly called to them, and conscious of their own miserable looks, dodged, with the most ludicrous terror, behind the railing, and the assembly was thrown into a convulsion of merriment. The members of the house were so well satisfied with Mr. C.'s argument, and so much pleased with his humour, that they readily went with him in voting for the removal of the seat of government; but it was subsequently found impossible to agree upon a new location, and the legislature still continues to hold its sessions at Frankfort. Mr. C.'s attempts at the humorous were never frequent, but they were usually irresistible; and although, on such occasions, his remarks seemed the mere breaking forth of involuntary hilarity, they were always directed, with philosophical skill, to the accomplishment of the object which he had in view.

Notwithstanding the conspicuous and important part which Mr. Clay was now acting in the legislature, his professional labours were continued without remission. The two distinct spheres in which he moved, mutually reflected brightness on each other. His great reputation as a civilian increased his practice at the bar, and his high character as a lawyer gave him an additional influence in the legislature. His judicial eloquence retained all its early characteristicks, but was constantly improving in grace and strength. His high station enabled him to disdain all those petty devices, to which the inferior members of the profession are often tempted to descend for the sake of a subsistence. His enemies, as well as his friends, admit, that he could never be prevailed on, by offers from the great and affluent, to conduct an unjust or oppressive prosecution; and, that he never refused to undertake the defence of a man in humble life, on account of the power or standing of the opposite party. This very magnanimity involved him, at the period of which we have been speaking, in an unpleasant quarrel with Col. Joseph Hamilton Daviess, the district attorney of the United States, and a man of high character and great genius. Col. Daviess, in a moment of irritation, had struck a tavern-keeper in Frankfort for some common and trifling remark. To punish the indignity, the tavern-keeper obtained a writ against the offender. This was easily done, but to procure an attorney to conduct the prosecution proved a more difficult matter. The plaintiff made application to every member of the bar in his vicinity, but all were afraid of provoking the indignation of Col. D., and refused to appear against him. At length the plaintiff, by the advice of friends, addressed a letter to Mr. Clay, detailing his wrongs and perplexities, and inquiring whether Mr. C. would consent to undertake the manage-

ment of his cause. Without the least hesitation, Mr. Clay returned an affirmative answer, and the cause soon came on for trial. The defendant, Col. Daviess, acted as his own attorney, and was cruelly and unnecessarily severe upon the humble individual, by whom he had been arraigned. Mr. Clay was never the man to hear a client abused with impunity, and on this occasion, he retorted with a keenness, at which Col. D. was so incensed, that, during an interval of the trial, he sent Mr. Clay a note, warning him, with an air of something like authority, not to indulge again in such offensive language. The latter instantly returned for answer, that he was the plaintiff's attorney, and should manage his cause according to his own judgement, without taking advice from any one, and, least of all, from his client's antagonist. The trial proceeded, and Col. Daviess, burning with shame, and stung to resentment by the laconick reply that had been returned to his note, sent Mr. Clay a challenge to single combat. The affair came near terminating seriously. The challenge, we believe, was accepted; but the friends of the parties interferred, and effected such an entire reconciliation between them, that they continued strongly attached to each other, till the death of Col. Daviess, who was killed at the battle of Tippecanoe, some years afterwards.

It was in the autumn of 1806, and while Mr. Clay was an active and influential member of the legislature, that he appeared at the bar in behalf of the celebrated Aaron Burr, who had been arrested in the state of Kentucky, at the instance of the district attorney of the United States, Col. Daviess, upon a charge of commencing a military expedition contrary to the federal laws. Young as Mr. Clay then was, it certainly was a high compliment to his talents and legal attainments, that a man of Burr's vast powers, and unrivalled keenness of discrimination, should select

him for his attorney in a cause involving life and honour; but, as Mr. C.'s conduct in this affair has been the subject of many unwarrantable remarks from his enemies, we have thought it expedient to give a brief sketch of the important facts connected with it. The circumstances under which Burr was arrested, were peculiar. Scarce any man in Kentucky, at that time, believed him guilty of the crime laid to his charge. In the early part of the year in which he was arrested, two gentlemen by the name of Street and Wood, went from Virginia to Kentucky, and commenced the publication of a newspaper, entitled the "*Western World*," the chief object of which was to revive an old political controversy, that had been forgotten nearly twenty years. The principal supporter of the controversy on one side was Humphrey Marshall, who has since written the "*History of Kentucky*." He and his coadjutors endeavoured to show, that several of the most distinguished and popular men of the party which then supported Mr. Jefferson's administration, had been engaged in a criminal conspiracy to annex Kentucky to the dominions of Spain in North America. Among the persons inculpated, were several of Mr. Clay's warmest and most intimate friends. It was while the community was yet indignant at the authors of these pretended disclosures of a former conspiracy, that Col. Burr was charged with a conspiracy of subsequent date, and, of course, he was regarded with the same general sympathy, which had been extended to those implicated in the previous charge. He was considered a persecuted patriot. It was the prevalent opinion, that his arrest was prompted by the prejudices entertained against him by the district attorney, a passionate admirer of Col. Alexander Hamilton, whom Burr had killed in a duel. The publick mind having been poisoned on the subject of conspiracies and treasonable projects, it was strongly suspected,

that the district attorney was attempting to avail himself of this state of things to revenge the death of his idol upon Col. Burr. Mr. Clay and Col. John Allen, the council of the accused, partook of the sentiments and sympathies of the publick in respect to his innocence, and, when he sent them a large sum of money in anticipation of their services, they returned it to him, considering that it was improper to treat as an ordinary culprit a distinguished and persecuted stranger from a distant state, who had been eminent in the legal profession, and stood high in the national councils. Col. Burr was first brought before the federal court at Frankfort, and discharged. No presentment or indictment was found against him, the district attorney not being prepared with the evidence, by which he expected to sustain the prosecution. Shortly afterward Col. B. was again arrested on the same charge, but, in the interval, Mr. Clay had been chosen by the Kentucky legislature a senator of the United States. This circumstance, placing Mr. C. in a new relation to the general government, created some doubt in his mind as to the propriety of his undertaking the defence of a man accused of treason. To strengthen his conviction, that there was no foundation for the prosecution, Colonel Burr, who was extremely anxious to obtain his professional aid, addressed a note to him, under date of December 1st, in which the following language was used. "I have no design, nor have I taken any measure, to promote a dissolution of the Union, or a separation of any one or more states from the residue. I have neither published a line on this subject, nor has any one, through my agency or with my knowledge. I have no design to intermeddle with the government, or to disturb the tranquillity of the United States, or of its territories, or any part of them. I have neither issued, nor signed, nor promised a commission to any person, for any

purpose. I do not own a musket nor bayonet, nor any single article of military stores, nor does any person for me, by my authority or with my knowledge. My views have been fully explained to, and approved by, several of the principal officers of government, and, I believe, are well understood by the administration, and seen by it with complacency; they are such as every man of honour, and every good citizen, must approve. Considering the high station you now fill in our national councils, I have thought these explanations proper, as well to counteract the chimerical tales, which malevolent persons have so industriously circulated, as to satisfy you *that you have not espoused the cause of a man in any way unfriendly to the laws, the government, or the interests of his country.*" Upon the reception of this note, Mr. Clay consented to appear again for Colonel Burr. The accused was brought before the court, and the district attorney submitted his indictment, and sent his evidence to the jury. After some deliberation, the jury returned the indictment not a true bill, and, at the same time, presented an address, in which they stated, that nothing had appeared in the evidence to justify the least apprehension of any design on the part of the accused to disturb the public tranquillity. This decision was in accordance with the wishes and opinions of the people. When the immense crowd, that was present in the capitol at Frankfort to witness the proceedings, heard the verdict, there was one general and tremendous burst of applause—a remarkable incident, at that time, in Kentucky, and one which strongly evinced the extent of popular feeling in Colonel Burr's behalf, even after his conduct had been partially investigated. A short time subsequent to this trial, Mr. Clay proceeded to the city of Washington, to take his seat in the Senate of the United States. On arriving there, and seeing the evidence which

had been collected by Mr. Jefferson, as to the guilt of Colonel Burr, especially a letter in cypher, which the latter had transmitted by Colonel Samuel Swartwout, to the commander of the United States' army, containing a partial disclosure of his criminal projects, Mr. Clay became satisfied that the people of Kentucky and himself had been deceived as to his character. He gave a strong, and what, by some, may be regarded a harsh evidence of the deception which Colonel Burr had practised on him; when, in 1815, upon his meeting him, the first time after the trial, in the court room, in the city of New-York, he refused to receive Colonel B.'s hand, which was tendered to him in the presence of the court and its attendants.

This is a statement of all the intercourse ever held by Henry Clay with Aaron Burr. Why should it induce a suspicion of his integrity? Burr was arraigned for crime—the constitution granted him the right to appear by counsel—and the honor of the profession demanded of Mr. Clay, convinced as he was of Mr. B.'s innocence, not to withhold his assistance in procuring him a fair trial. This he did in conjunction with Colonel Allen, as pure a patriot-hero as ever lived and died for his country;—and yet, from these circumstances, political malice has not failed to argue, that Mr. Clay shared in the guilt of Burr's conspiracy. The shaft was aimed with a will sufficiently deadly—but it fell upon a breast of steel. The charge of treason, preferred against a man who has done more for his own country than any other living statesman, and whose voice has echoed beyond her confines, and, with a tone of creative power, called other republics into being, is like the other infamous calumnies that have been propagated against the same illustrious individual, and, like

them, must soon be lost amid the lumber of forgotten things. Such conspiracies, to ruin a patriot, can only end in the prostration of the conspirators.

"He who, of old, would rend the oak,
Dreamed not of the rebound."

Mr. Clay's first appointment to the United States Senate took place, as has already been stated, in the latter part of 1806. This appointment was not for a regular senatorial term of six years, but merely for a single session, the residue of the term of General Adair, who had resigned his seat. The new senator proceeded to Washington, in December, 1806; and, by a rather singular incident, earned, before his arrival at the capitol, what expectations had there been formed of him, with regard to a particular measure, by which the senate was then agitated. A few miles from Washington, he met with a stranger from Georgetown, in the District of Columbia, who, without naming either his name or station, incidentally informed him, in the course of a friendly colloquy, that, at the seat of government, there was one engrossing topic of conversation. This topic was the erection of a bridge over the Potomac river. The citizens of Washington and Alexandria, according to the gentleman's statement, were zealous in favour of the bridge, for the construction of which, they were endeavouring to obtain authority from congress; but the people of Georgetown were strongly opposed to it, from the belief that it would materially injure, if it did not ruin, the prosperity of their city. Mr. Clay inquired of his companion, how the senate would probably decide the question. "We have ascertained," replied the gentleman, "how each of the old senators will vote—they are equally divided; but a new member, of the name of

Clay, is daily expected to take his seat; and, if he arrives before the question is put, it is said that he will certainly vote against the bridge, and decide the controversy in our favour." Mr. C. did not make himself known, but proceeded to Washington, and found, on his arrival, that the statement which had been made to him, in relation to the condition of popular feeling, was not exaggerated. Nothing seemed to be thought of, either in or out of the senate, except the bridge. Mr. C. was a stranger; but he immediately found himself surrounded by the citizens of Georgetown, who made him the object of their warmest and most unremitting caresses. The motive which prompted their peculiar attentions, could not be unknown to him; but no allusion was made to it. Up to the time when the vote on the bridge bill was about to be taken, he had not given the slightest intimation of his opinions upon the subject. His first speech was upon that bill—an eloquent and much-praised effort, wherein he gave a powerful and triumphant vindication of the policy of authorizing the erection of the bridge. His speech was of far more value than his single vote, for he carried with him a majority of the members of the senate—all, in fact, who were not so far pledged by the assurances they had given to the people of Georgetown, as to feel that they had no longer the right of deciding for themselves. It must be gratifying to the friends of Mr. Clay, to note, in the progress of his history, the successive proofs that are constantly presented, of his undeviating consistency. Here, we see, that his first effort in the Congress of the United States, was in favour of a branch of *Internal Improvements*—a system of policy, which owes more to his exertions than to those of any other man living; and which, unless checked by the pusillanimity or wickedness of men in power, will ultimately advance the prosperity of our country, to a de-

gree hitherto unattained, and almost undreamed of, by the mightiest nations of the old world. Mr. Clay's speech upon the bill, for a bridge over the Potomac, was never reported, but he is said to have alluded, with great causticity and effect, to certain gentlemen, who had made an intemperate opposition to the bill. Mr. Tracy, a senator from Connecticut, whose looks were sometimes more sage than his words, had delivered a haughty and insolent speech, reflecting, with unprovoked and unpardonable severity, upon the younger members of the senate, and making a parade of extraordinary knowledge upon the question in debate. In hitting off the wise and knowing look with which he seemed to inspect the subject, Mr. Clay quoted, to the infinite merriment of the senate, the ludicrous simile of Peter Pindar's magpie:

"Thus have I seen a magpie in the street,
"A chattering bird, we often meet;
"A bird for curiosity well known,
"With head awry,
"And cunning eye
"Peep knowingly into a marrow-bone."

So great was Mr. Tracy's mortification at finding himself thus roughly handled by a young, and comparatively unknown member, that his lips were hermetically sealed during a great part of the remainder of the session.

The most important question that was discussed in the senate, during this congressional session, related to the suspension of the act of *habeas corpus*. The suspension was moved in order to give the executive the power of arresting Colonel Burr, if necessary, and keeping him in confinement, without being delayed by the dilatory operations of law. On this subject Mr. Clay did not speak. Having recently been Colonel Burr's counsel, he deemed

it unadvisable to take part in the discussion, and contented himself with giving his vote against the motion before the senate. The majority were opposed to him, and the suspension of the law was voted with great unanimity. Fortunately, however, the bill was lost in the lower house. The opposition that was made to it by the minority in the senate, did not result from any sympathy or respect for Aaron Burr, the depravity of whose character was now generally acknowledged, but from a patriotic regard for the supremacy of the laws. The law of habeas corpus is the ark of American liberty, and violent hands ought not to be laid upon it, in every slight or imaginary emergency. Though it may sometimes afford a temporary shelter to the guilty, we ought not, on that account, to endanger the rights of the innocent, to whom it is a constant protection. We rejoice that the law in question has never been suspended in the whole history of the government. Its operations have been two or three times resisted by military chieftains, who fancied that measures thus arbitrary were demanded by the peculiar exigencies in which they were placed; but their conduct has already been the subject of protracted public discussions, and we would add nothing to what has been said of it.

In the summer of 1807, Mr. Clay's term of service in the United States Senate having expired, he was again placed before the citizens of Fayette, as a candidate for the Kentucky legislature. Under ordinary circumstances, no aspirant would have dared to enter the lists with him; but the fact of his having been the attorney of Colonel Burr, gave courage to the federalists, and emboldened them to bring out a candidate in opposition to him. Their whole hope of success depended on exciting against Mr. Clay a portion of the indignation that existed against Burr. The attempt was worse than futile. The shame-

less calumny fell crumbling from his name, like filth thrown by the hands of a savage against the pillars of a magnificent edifice. When the electors had assembled, he stood proudly up among them, and addressed them on the subject of his intercourse with Burr. His election was carried by a majority, which even he himself had never before received. After the delivery of his address, it would have been dangerous for any man to reiterate the lying charge against him. The people would not have endured it. As soon would they have suffered their favourite "Commoner" to be charged with the crimes of all the individuals whom, in the course of his practice, he had consented to defend.

In the course of the next session of the general assembly, Mr. Clay was chosen speaker, by a large majority, over a very popular rival. The duties of this office he discharged with the same fidelity and skill for which he was afterwards distinguished, while holding a similar office in the Congress of the United States. Occasionally, too, he came down from his place, and took part in the fierce grapple of mind with mind. It was his good fortune, in the course of the session, to prevent the whole system of the common law from being annihilated in the courts of Kentucky. A motion was made to prohibit the reading in court of any British decision, or elementary work on law. This motion was strongly supported by argument; and more than four fifths of the members of the house evinced a determination to vote in favour of it. Aside from other objections against the common law, it was argued, that the Americans, as an independent people, ought not to suffer themselves to be governed, in the administration of justice, by the legal decisions of a foreign power. To obviate this consideration, Mr. Clay moved to amend the resolution before the house, by limit-

ing the exclusion of British decisions from Kentucky, to those only which have taken place since the fourth of July, 1776, the date of American independence, and suffering all, which preceded that period, to remain still in force. His reasons for this amendment were conclusive. Previous to the declaration of our independence, the British and Americans were the same nation; and the laws of the one people were those of the other. After a long and spirited contest, Mr. Clay prevailed. Notwithstanding the original popularity of the resolution which he opposed, it was lost, and his amendment adopted by a vote almost unanimous; and, consequently, the binding authority of the great body of the common law still continued to be acknowledged. This effort of Mr. Clay has justly been considered by himself and his friends as one of the greatest intellectual achievements of his life. The prejudices of the multitude against the common law are almost universal; and, at the time of which we have spoken, they existed in the Kentucky legislature in all their strength. The common people have heard, that this law, consisting, as it does, of all the reported decisions of the British courts, fills hundreds of volumes, and they do not readily comprehend how the men of the present day can become acquainted with it, and, much less, give it a practical application in this country. They are apt to look upon it as a mere shapeless mass of incongruities and absurdities, that has been accumulating for years and centuries. They imagine that it is half made up of frivolous precepts, and ludicrous distinctions, which have no better effect than to set common sense and common justice at nought, by the conviction of the innocent, and the discharge of the guilty. They are not aware that the common law is the embodied wisdom of ages, and that, although it may appear irregular at first view, it will be

seen, when viewed in the light of a few plain principles, to be a system of unrivalled symmetry, beauty, and magnificence. They do not know, that its fundamental rules are so simple and well established, that the most unlettered can readily learn them, but suppose, that the whole system, ancient and mighty as it is, might advantageously give place to a few hasty statutes devised by the discordant spirits of a state legislature. It was against such prejudices and such misapprehensions, that Mr. Clay was obliged to contend, and he did it with a power of argument and eloquence, that almost surprised himself. He did not "check his strength in mid volley"—the whole was put forth, for the time demanded it. In portraying that spirit of vandalism, which mocks at the wisdom of the "world's gray fathers," and would wantonly make wreck of a system fraught with the intellectual wealth of centuries, and whelm its last fragment beneath the wave, Mr. C. was great beyond expression. A gentleman, who was in the lobby of the house, and who has since risen to distinction, has averred, that all his subsequent ideas of perfect eloquence have been formed upon that one model. It surpassed any thing which he has since heard or had before conceived. Every muscle of the orator's face was at work, his whole body seemed agitated, as if each part were instinct with a separate life, and his small white hand, with its blue veins apparently distended almost to bursting, moved gracefully, but with all the energy of rapid and vehement gesture. The appearance of the speaker seemed that of a pure intellect wrought up to its mightiest energies, and brightly glowing through the thin and transparent veil of flesh that enrobed it. Our informant represents himself as having gazed upon the orator, and listened to his moving and impetuous eloquence, till he half lost his sense of individual existence, and, on the first

return of perfect consciousness, he found that tears, in spite of his manhood, were streaming down his cheeks. Ashamed of his weakness, and unaware that nearly the whole audience was in the same situation with himself, he dried his tears, and, with feelings partially indurated by resolution, again gave his attention to the speaker. In a few moments, he found that the waters of emotion had gushed out anew from their fountain, and he now suffered them to flow uncontrolled, for he saw that he wept not alone. This great effort of Mr. Clay was materially different from those of more modern date. It was probably accompanied by a degree of physical exertion, which, in his recent condition of bodily debility, he would have been unable to endure even for a short period of time.

In the year 1808, Humphrey Marshall, a gentleman of whom we have already made mention, became a member of the legislature of Kentucky. He was, at that time, a man of strong mind and extensive information, but a bitter federalist, and an unwearied opponent of Mr. Clay. Mr. Marshall had repeatedly assailed Mr. C. and his friends in the newspapers, and, as a natural consequence, their political hostility was turned to personal hatred. Both now being members of the legislature, there appeared to be a willingness on the part of the other members, to bring them into direct collision. To this end, several gentlemen declined voting for Mr. C.'s reappointment to the office of speaker, knowing that, if he were in the speaker's chair, he would not have an opportunity of meeting his antagonist without restraint. During the first weeks of the session, Clay and Marshall frequently met each other in debate, and the former was uniformly victorious, being, in fact, incomparably superior, in all respects, to his antagonist. At length, Mr. C. brought a resolution before the house, that each member, for the purpose of en-

couraging the industry of the country, should clothe himself in garments of domestick manufacture. This resolution called into exercise all Mr. Marshall's talents of vituperation. He denounced it as the project of a demagogue, and applied a variety of epithets to its author, which no parliamentary rules could justify. Mr. Clay's language in reply, was probably of a harsh character, and the quarrel proceeded from one stage to another, till, according to the laws of honour, which every Kentuckian of that day was taught to reverence, no alternative remained to Mr. Clay, and he was required to challenge his antagonist. The challenge was accepted. The parties met, and the first shot was exchanged without other effect than a slight wound to Mr. Marshall. On the second or third trial, Mr. Marshall's ball gave Mr. Clay a slight flesh-wound in the leg, and the seconds now interceded, and prevented a continuance of the combat. It is the legitimate province of the biographer to state facts, and not to apologize for error. We believe that duelling, in all its forms, should be reprobated. We have no doubt, that Mr. Clay erred in this affair with Mr. Marshall, and it is said, that he himself looks back to the incident with disapprobation and regret; but to Mr. C.'s admirers, there is much consolation in the fact, that the quarrel which led to the catastrophe, had its origin in his devotion to the policy of encouraging domestick manufactures—a policy which, through the influence of his subsequent exertions, has done so much for the prosperity of the nation. Of his personal courage, no one ever entertained a doubt. It is said of him, that the eye with which he meets an opponent in debate, is not more unquailing than that with which he gives back the glance of a foe in the field of single combat. His is a spirit that knows not to bow down or trem-

ble in the presence of an enemy, whatever may be the character under which that enemy presents himself.

A measure which Mr. C. carried through the house of representatives, in 1809, is deserving of particular notice, on account of the important principle involved in it. At the August election, the citizens of Hardin county, who were entitled to two representatives in the general assembly, had given 436 votes for Charles Helm, 350 for Samuel Haycraft, and 271 for John Thomas. Mr. Haycraft, at the time of the election, was an assistant judge of the circuit court of Hardin, and he did not resign the office till some weeks afterward. The 26th section of the second article of the Kentucky constitution provides, that those who hold or exercise any office of profit under the commonwealth, shall be ineligible to a seat in the general assembly. Under these circumstances, Mr. Clay moved to inquire, whether Mr. Haycraft was entitled to a seat, and, if not, whether Mr. Thomas was entitled to it. The case was not unlike that of Mr. Wilkes, which excited much discussion in England in the days of Junius. The latter case is perhaps familiar to the public. Mr. Wilkes, a member of the house of commons, having become obnoxious to the ministerial party, was expelled from the house for causes which were considered as constituting a disqualification for a seat. In spite of this decision of the house, the citizens of Westminster determined to re-elect him. The ministry, on learning this determination, secretly procured a candidate to be put up in opposition to him. A few votes were given for the opposition candidate, but Mr. Wilkes was re-elected by a great majority. When, however, Mr. W. again presented himself before the house, his case came up for consideration, and the ministerial party, who constituted a majority of the commons, decided that, inasmuch as he was ineligible at the

time of the election, the votes that had been given for him were void to all intents and purposes, and could neither entitle him to a seat, nor affect the votes given for the opposing candidate. By this decision, they not only excluded Mr. Wilkes from the commons, but gave his place to his competitor. In the analogous case, to which we have alluded, as having occurred in the Kentucky legislature, Mr. Clay, who had instituted the investigation, was chairman of the committee appointed to make a report. This report we have found among the legislative records at Frankfort, and the principles it contains are so sound, and of such universal application, that we have thought proper to make an extract from it. It was drawn up by Mr. C., and adopted unanimously, and its doctrines have, ever since, governed the Kentucky elections. The following are the most important parts of the report.

"The principle of separating, and preserving distinct, the great powers of government, ought rather to be enlarged than circumscribed. But this case is not one in which we have to resort to construction. On the contrary, we have clear and explicit injunctions to guide us. The fact being ascertained, that Mr. Haycraft held an office of profit under the commonwealth, at the time of the election, the constitutional disqualification attaches and excludes him—he was ineligible, and therefore cannot be entitled to his seat."

"It remains to inquire into the pretensions of Mr. Thomas. His claim can only be supported by a total rejection of the votes given to Mr. Haycraft, as void to all intents whatever. It is not pretended, that they were given by persons not qualified according to the constitution; and consequently, if rejected, it must be, not for any inherent objection in themselves, but because they have been bestowed in a manner forbidden by the constitution

or laws. By an act passed 18th December, 1800, it is required, that persons holding offices incompatible with a seat in the legislature, shall resign them before they are voted for; and it is provided, that all votes given to any such person, prior to such resignation, shall be utterly void."

" This act, when applied to the case in question, perhaps admits of the construction, that the votes given to Mr. Haycraft, though void and ineffectual in creating any right in him to a seat in this house, cannot affect, in any manner, the situation of his competitor. Any other exposition of it is, in the opinion of your committee, wholly inconsistent with the constitution, and would be extremely dangerous in practice. It would be subversive of the great principle of free government, that the majority shall prevail. It would operate as a deception of the people; for it cannot be doubted, that the votes given to Mr. Haycraft, were bestowed upon a full persuasion, that he had a right to receive them. And it would infringe the right of this house, guaranteed by the constitution, to judge of the qualifications of its members. It would, in fact, be a declaration, that disqualification produces qualification—that the incapacity of one man capacitates another to hold a seat in this house. Your committee are, therefore, unanimously and decidedly of opinion, that neither of the gentlemen is entitled to a seat."

Mr. Thruston, who was chosen a United States' senator in 1804, had now resigned his seat, leaving his constituents to appoint some other gentleman to serve out the two last years of his term. Mr. Clay was, in all respects, the most prominent candidate. The members of the legislature were so well pleased with the ability which he had displayed in the senate in 1807, as well as in their own body during the last six years, that they gave him the seat of Mr. Thruston, by a vote of two to one. Here his

services in the legislature ceased—he was never afterwards a member of it. His whole career, while connected with that body, had been one continued train of brilliancy. While reviewing the records, we have been surprised, that a single mind should have been capable of accomplishing so much. He appears to have been the one pervading spirit of the whole body. He never came to the debates but with the knowledge necessary to a perfect elucidation of his subject, and he always had the power of making his knowledge so practical, and lighting it so brightly up with the fire of eloquence and the living soul of intellect, that without resorting to the arts of insidiousness, he could generally control the movements of the legislature at will. His was not an undue influence—it was the simple ascendancy of mind over mind. The bills, which originated with him, instead of being characterised by the eccentricities and ambitious innovations, which are too often visible in the career of young men of genius suddenly elevated to power and influence, were remarkable only for their plain common sense, and their tendency to advance the substantial interests of the state. Though he carried his plans into effect by the aid of the magical incantations of the orator, he always conceived them with the coolness and discretion of a philosopher. No subject was so great as to baffle his powers—none so minute as to elude them. He could handle the telescope and the microscope with equal skill. In him the haughty demagogues of the legislature found an antagonist, who never failed to foil them in their bold projects, and the intrigues of lower degree were baffled with equal certainty, whenever they attempted to get any petty measure through the house, for their own personal gratification, or that of their friends. The people, therefore, justly regarded him as emphatically their own.

SECTION THIRD.

MR. CLAY took his seat, for the second time, in the senate of the United States, in the winter of 1809—10. His first speech at Washington in 1807, it will be recollected, was in support of a measure involving the principle of *internal improvements*—and his first effort at the present time was in favour of the encouragement of *domestick manufactures*, a policy which he had previously supported in the legislature of his own state. The prosperity of these two systems of policy has become so entirely identified with his name and influence, that his fellow-citizens will be gratified to learn the early date, at which he expressed his devotion to them.

At the period of which we are speaking, impost duties can scarcely be said to have ever been laid upon articles of foreign growth and manufacture, for any other purpose than that of raising a revenue. There was now, however, a prospect of war with Great Britain, and, of course, our statesmen began to anticipate the possibility of our being partially thrown upon our own resources for the production of those articles which we had been accustomed to receive from British ports. In this condition of things, a bill to appropriate a sum of money for procuring supplies of cordage, sail-cloth, and other munitions of war, came before the senate, and an amendment was proposed, that preference should be given to articles of American growth and manufacture, whenever it could be done without material detriment to the public service. A senator from Massachusetts made a strong opposition to the amendment, and, in the remarks that followed, the general policy of fostering manufactures in this country became the main

topic of discussion. The system being new, and its effects not having been practically developed among us, its friends and enemies could meet each other only by reasoning from first principles, and pointing out the consequences to which it had led in other countries. Those members of the senate who were opposed to domestick manufactures, drew a dark and revolting picture of the squalidity and wretchedness of the inhabitants of Manchester, Birmingham, and the other manufacturing cities of Great Britain, and argued, that the introduction of the system of manufactures into this country would be attended with similar consequences. In reply to this consideration, Mr. Clay designated, with great force and clearness, what ought to be the policy of the United States. Great Britain, he justly remarked, has been the manufacturer of a large portion of the world. If, in this respect, we were to follow her example, our manufacturing districts would exhibit, in process of time, the same appearance as hers; but, Mr. Clay contended, that, if we were to limit our efforts by our own wants, the evils which were apprehended would be found wholly chimerical. Agriculture he acknowledged to be the first and greatest source of national wealth and happiness. He expressed a desire, that the exports of the country might continue to be the surplus productions of tillage, and not of manufacturing establishments—he did not wish that the plough-share and the sickle should be converted into the spindle and the shuttle—but he held it desirable, that we should *furnish ourselves* with clothing made by our own industry, and no longer be dependant, for our very coats, upon a country which was then an envious rival, and might soon be an enemy. “A judicious American farmer, in the household way,” says he, “manufactures whatever is requisite for his family. He squanders but little in the gewgaws of

Europe. He presents in epitome what the nation ought to be *in extenso*. Their manufactures should bear the same proportion, and effect the same object in relation to the whole community, which the part of his household, employed in domestick manufacturing, bears to the whole family."

Mr. Clay thought, and justly too, that whatever doubt might be entertained as to the general policy of encouraging domestick manufactures by bounties or impost duties, none could possibly exist, in any candid and rational mind, with regard to the propriety of adopting the requisite measures for producing among ourselves such articles as are indispensable in time of war. His arguments on this point need no recapitulation. His speech contained scarce a single effort at eloquence—it was distinguished exclusively by clear, profound, and philosophical views of national policy, set forth strongly and dispassionately. Nor did it fall to the ground. The bill, as advocated by him, passed the senate, and its beneficial effects soon became evident. The officers of government succeeded in making advantageous contracts, for the munitions of war, with the capitalists of the United States, and, although in the contest that soon followed, the nation's resources were unequal to its wants, we were saved from that state of utter deprivation, to which we should have been subjected, had our reliance been exclusively on foreign countries. The system of home manufactures was here nurtured into life, and it has since flourished in beauty and strength, and myriads of happy and industrious freemen are now rejoicing in its grateful influence.

In the course of the same year, 1810, a question was brought before the senate upon the subject of the claims of the United States to the territory lying between the rivers Mississippi and Perdido, and comprising the greater

part of West Florida. The question came up in this way. The inhabitants of the territory, particularly in the districts of Baton Rouge and Feliciana, had revolted against the Spanish authority, which was nominally exercised over them. It was reported, too, that emissaries of the king of England were among the people, intriguing with the view of inducing them to come under British domination, and a thousand circumstances gave evidence, that, if nothing were done on the part of our government, the disaffected citizens of Baton Rouge and its adjacent districts would either declare themselves independent, or accede to the proposals of the British agents—thus giving a powerful nation a place upon our very borders. In this emergency, Mr. Madison, then president of the United States, issued his proclamation, declaring West Florida annexed to the Orleans territory, and subject to the laws of the United States. This was, in fact, taking possession of the country, and the question consequently arose in congress, whether Mr. Madison had acted within his legitimate authority. This question involved the title to the land in dispute. The federal party, who constituted the opposition to Mr. M.'s administration, contended, that the territory belonged to Spain, and Mr. Clay argued, at great length, that the title was clearly in the United States.

This speech of Mr. C. is one of the best specimens of close investigation, and severe, unadorned argument, that can be found in the annals of any parliamentary body. It must have required the most rigorous attention on the part of the senate, to follow him in his demonstrations and inferences. He went into a minute history of the disputed territory, applied the law of nations to the circumstances of its discovery and settlement, noted each legal transfer from power to power, and shewed, that it belonged originally to the French, who ceded it to Spain in 1762, that

Spain made a retrocession of it to France in 1800 by the treaty of St. Ildefonso, and that the United States purchased it from the French government as a part of Louisiana in 1803. Having shewn an indisputable title in the United States to the territory of West Florida, he proceeded to recite an act of congress passed in 1803, whereby the president was expressly empowered to occupy the lands ceded to us by France, and establish a provisional government over them.

Mr. Clay justified Mr. Madison by other considerations. Even supposing that to be true, which he had proved untrue—admitting the claim of the opposition, that the title of West Florida had never passed out of the hands of Spain, he contended, that, under the circumstances which existed in 1810, the United States government had still a right to take possession of it. The reason was obvious. Whether Spain did or did not retain the legal title to the territory, one point was sufficiently clear, she had not the power to make the inhabitants submit to her authority. She was, at that time, pressed on all sides by a powerful enemy, whom it required her concentrated energies to withstand. She could no more quell the distractions and the anarchy that prevailed throughout a portion of West Florida, than she could rule the whirlwind. If Britain, or some other nation disposed to injure us, should take advantage of these circumstances, and obtain a foothold upon our southern frontier, she would have the power to annoy us in the exercise of our rights, and endanger the very existence of our union. The commerce of the whole extent of country, that is drained by the Mississippi and its tributaries—an extent comprising three fourths of the whole territory of the United States—would be at the enemy's mercy. The possession of West Florida—that part of it especially between the Mississippi and the Perdido—he

showed to be indispensable to the free navigation of those streams. It was the lever by which nearly the whole continent of North America might be shaken. Thus situated, Mr. C. claimed, that, upon the eternal principle of self-preservation—a principle that knows no limitation to time or place—we had a right to extend our laws over the disputed territory.

The opposition suggested, that Great Britain was the ally of Spain, and might feel herself obliged, by her connexion with that country, to take part with her against us, and to consider the proclamation of our president as justifying an appeal to arms. "Sir," said Mr. Clay, "is the time never to arrive, when we may manage our own affairs, without the fear of insulting his Britannic majesty? Is the rod of British power to be forever suspended over our heads? Does congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? We are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? The whole navy of the haughty mistress of the seas is made to thunder in our ears. Does the president refuse to continue a correspondence with a minister, who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? We are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea, or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonourable repeal, which has so much tarnished the character of our government. Mr. President, I have before said on this floor, and now take occasion to repeat

the remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persists in a denial of justice to us, or if she avails herself of the occupation of West Florida to commence war upon us, I trust and hope, that all hearts will unite in a bold and vigorous vindication of our rights."

Mr. Clay's speech upon the Florida title was not designed for a brilliant or impassioned effort. The orator attempted nothing but to set before the senate an irresistible array of fact and argument, and what he attempted he accomplished. He aimed at speaking like a man of sense and judgement, who had investigated his subject with unwearyed diligence. Whenever he pleased, he could seem to rise aloft like Milton's warring angels, and do battle in the air with ethereal weapons; but he proved, on this occasion, as he had done on many others, that he could, with equal skill, fight, like an earthly giant, with mace and buckler, upon the plain. After listening to his arguments, some of the warmest opponents of the measure which he had vindicated, had the candour to acknowledge their error, and, taking him cordially by the hand, expressed their determination to go with him in the final vote. They did so, and the proclamation of the president was approved. Had there been, at that time, in the senate, no democratic champion like Mr. Clay—one who could stand up among the tall and fierce spirits of faction to vindicate the rights of our country, and utter a solemn warning in the ears of those who would wantonly throw the key of her strength into the hands of an enemy, it is difficult to say how imminently dangerous might have been the present condition of the republic.

Mr. Clay's next considerable effort in the senate was made in the following year, 1811, upon the question of

renewing the charter of the old bank of the United States. He had been instructed by the legislature of Kentucky to oppose the renewal, but he would have contented himself with giving a silent vote against it, had he not been incited to a more active opposition by the language of defiance which fell from the lips of the opposite party. The renewal of the charter was advocated by the whole body of the federalists, whom Mr. Clay denominated the "Macedonian phalanx," and Mr. William H. Crawford, and one or two other democrats, had, on this question, united with the opposition. Mr. Pope too, the colleague of Mr. Clay, made a long and able speech in favour of the bank, in direct violation of the instructions of the legislature. The strength thus arrayed against Mr. Clay, might have intimidated an ordinary man, but he had learned his own powers too well to think, for a moment, of shrinking from the encounter.

Mr. C.'s remarks against the bank were principally confined to the subject of its unconstitutionality. His argument on this point was so replete with keen and powerful logic, that we choose to transfer it to our pages in his own words. Nothing equal to it can be found in any of the numerous discussions which the bank question has called forth. He seemed to hold the strength of his antagonists in the hollow of his hands.

" This vagrant power to erect a bank, after having wandered throughout the whole constitution in quest of some congenial spot to fasten upon, has been, at length, located by the gentleman from Georgia on that provision which authorizes congress to lay and collect taxes. In 1791, the power is referred to one part of the instrument; in 1811, to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed

here, it disappears, and shews itself under the grant to coin money.

" What is the nature of this government ? It is emphatically federal, vested with an aggregate of specified powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said, that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and, I contend, is of a nature not transferable by mere implication. It is one of the most exalted acts of sovereignty. In the exercise of this gigantic power, we have seen an East India Company erected, which has carried dismay, desolation, and death, throughout one of the largest portions of the habitable world. A company which is, in itself, a sovereignty—which has subverted empires, and set up new dynasties—and has not only made war, but war against its legitimate sovereign ! Under the influence of this power, we have seen arise a South Sea Company and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined, that a power so vast would have been left by the constitution to doubtful inference ? It has been alleged, that there are many instances in the constitution, where powers, in their nature incidental, and which would necessarily have been vested along with the principal, are nevertheless expressly enumerated; and the power to make rules and regulations for the government of the land and naval forces, which, it is said, is incidental to the power to raise armies and provide a navy, is given as an example. What does this prove ? How extremely cautious the con-

vention were to leave as little as possible to implication. In all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate and limited to the end proposed to be attained by the specified power. In other words, under the name of accomplishing one object, which is specified, the power implied ought not to be made to embrace other objects, which are not specified in the constitution. If, then, as is contended, you could establish a bank to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is mockery, worse than usurpation, to establish it for a lawful object, and then to extend it to other objects, which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation and condition of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said, that the great luminary of day is an accessory, a satellite to the humblest star that twinkles forth its feeble light in the firmament of heaven.

"Suppose the constitution had been silent as to an individual department of this government—could you, under the power to lay and collect taxes, establish a judiciary? I presume not; but, if you could derive the power by mere implication, could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and, whilst it is engaged in this, the most inferior and subordinate of all its functions, it is made to diffuse itself throughout society, and to influence all the great operations of credit, circulation, and commerce. Like the Virginia justice, you tell the man, whose turkey

had been stolen, that your books of precedents furnish no form for his case, but then you will grant him a precept to search for a cow, and, when looking for that, he may possibly find his turkey! You say to this corporation, we cannot authorize you to discount—to emit paper—to regulate commerce—no! our book has no precedents of that kind. But then we can authorize you to collect the revenue, and, whilst occupied with that, you may do whatever else you please."

" What is a corporation, such as the bill contemplates? It is a splendid association of favoured individuals, taken from the mass of society, and invested with exemptions, and surrounded by immunities and privileges. The honourable gentleman from Massachusetts has said, that the original law, establishing the bank, was justly liable to the objection of vesting in that institution an exclusive privilege, the faith of the government being pledged, that no other bank should be authorized during its existence. This objection, he supposes, is obviated by the bill under consideration; but all corporations enjoy exclusive privileges—that is, the corporators have privileges, which no others possess; if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one. I contend, that the states have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of the responsibility of debtors to their creditors. If congress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual—if you can bestow on this object of your own creation the ability to contract, may you not, in contravention of state rights, confer upon slaves, infants, and feme covert, the ability to contract? And if you have the power to say, that an association of individuals shall be responsible for their debts

only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations? You establish one in the heart of a state, the basis of whose capital is money. You may erect others, whose capital shall consist of land, slaves, and personal estates, and thus the whole property within the jurisdiction of a state might be absorbed by these political bodies. The existing bank contends, that it is beyond the powers of a state to tax it, and, if this pretension be well founded, it is in the power of congress, by chartering companies, to dry up all the sources of state revenue. Georgia has undertaken, it is true, to levy a tax on the branch within her jurisdiction; but this law, now under a course of litigation, is considered invalid. The United States own a great deal of land in the state of Ohio; can this government, for the purpose of creating an ability to purchase it, charter a company? Aliens are forbidden, in that state, to hold land—could you, in order to multiply purchasers, confer upon them the capacity to hold land, in derogation of the local law? I imagine this will hardly be insisted on; and yet there exists a more obvious connexion between the undoubted power which is possessed by this government to sell its land, and the means of executing that power by increasing the demand in the market, than there is between this bank and the collection of a tax. This government has the power to levy taxes, to raise armies, provide munitions, make war, regulate commerce, coin money, &c. &c. It would not be difficult to show as intimate a connexion between a corporation established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States."

At the time Mr. Clay delivered this speech, the greatest

part of the capital of the United States bank was owned by inhabitants of Great Britain, and there was no security against its being perverted to evil purposes. The dangers to be apprehended from this condition of the institution were strongly portrayed in the following remarks:

"The power of a nation is said to consist in the sword and the purse. Perhaps, at last, all power is resolvable into that of the purse, for, with it, you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars, and, if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body who, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government—would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven tenths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend, that the English Premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other governments, ought most seriously to guard against foreign influence. All history proves, that the internal dissensions excited by foreign intrigue, have produced the downfall of almost every free government that has hitherto existed; and yet, gentlemen contend that we are benefitted by the possession of this foreign capital!"

The effect of these and other arguments, used by Mr. Clay, was so powerful, that notwithstanding the confidence with which his opponents had entered upon the discussion, he was sustained by the final vote, and the bank charter was not renewed. It was a signal victory.

There were many other earnest discussions in the senate in 1811, and in nearly all of them the orator of Kentucky took a foremost stand, in vindication of the constitution and the rights of the people; but our limits will not permit us to dwell in detail upon his exertions. We must necessarily be content with giving a rapid and imperfect sketch of his history, leaving the more voluminous biographer to do full justice to his merits.

PART SECOND.

SECTION FIRST.

IN the summer of 1811, Mr. Clay having returned to Kentucky, was elected a member of the national House of Representatives. At the opening of the next congressional session, he took his seat; and it is a very remarkable fact, that *on the first day of his appearance in the house, he was appointed speaker, by a vote of nearly two to one over two opposing candidates.* Such an event has never occurred in the history of any other individual, and, in all probability, will never occur again. In the case of Mr. Clay, there were several peculiar circumstances that recommended him strongly to the members of the house—thus enabling him to seize, at once, as the prerogative of intellectual power, what had been bestowed on others as the meed of age and experience. He was known to have held the office of speaker in the legislature of Kentucky, and to have discharged its duties with great efficiency. His short but splendid career in the senate, had also elicited universal admiration. It has been said, too, that many members of the house gave him their votes, with the view of imposing a check upon the language and conduct of one of their turbulent spirits—Mr. John Randolph, of Virginia, who, for several years, had been habitually guilty of the grossest outrages upon order and decorum. This gentleman had become excessively troublesome in the house. An aristocrat by education and habit, he deemed parliamentary rules the trammels of ignoble minds, and disdained to be governed by any laws, save those of his own caprice. Mr. Macon and Mr. Varnum had occupied

the speaker's chair; but neither of these gentlemen was ever accustomed to exercise his authority in restraining Mr. Randolph's conduct within the rules of order. Mr. Macon indulged him from feelings of political and personal friendship; and Mr. Varnum, from the dread of his keen and malignant sarcasm, against which the sacredness of office had, on several occasions, proved but a feeble protection. The representatives of the people thought it due to the dignity of their body, that Mr. R. should be arrested in his profligate career; and, as they knew that Mr. Clay was not only a gentleman of extraordinary intellect, and some parliamentary experience, but a man of too much energy of character, and dignity of demeanour, to brook even the appearance of disrespect offered to him, either in a private or an official capacity, it is not strange that, on this occasion, they appointed him to the speaker's chair, in preference to men who had been longer in the house. Those who know in what manner he subsequently performed the duties of his office, are aware, that the high expectations originally formed of him, were more than sustained. During the many years of his presidency over the house, including seasons of unprecedented political strife—not one of his decisions was ever reversed on an appeal from the chair, notwithstanding the energy with which he always exerted his authority. This fact is his best and most eloquent eulogy.

The period at which Mr. Clay went into the House of Representatives, was one of the most momentous in American history. The relations between our country and England, which, for some years, had been of an unpleasant nature, were now assuming a character that indicated an open and immediate rupture. The aggressions upon our rights had become insufferable. British cruisers upon the high seas were in the constant habit of boarding our

vessels, and forcibly seizing and detaining our seamen, under pretence of supposing them the subjects of the king. The Americans thus seized, were not allowed to bring their cases before a competent tribunal for adjudication, but were unconditionally subject to the arbitrary will of every British naval officer. Thousands of our countrymen were, in this way, carried into slavery, and forced to expose their lives by toiling in deadly climes, or fighting the battles of their oppressors. By official returns, it appeared, that not less than seven thousand were in captivity in 1812. It was in vain that we remonstrated against these enormities. To evince, in the strongest manner, our disposition to effect an amicable adjustment of all difficulties between Great Britain and ourselves, our government proposed certain arrangements, which, if the mere recovery of her own subjects had been her real design in the impressment of our sailors, would have enabled her to effect her object, without doing injustice to the United States. The proposition was rejected with superciliousness.

The impressment of our countrymen by Great Britain, was accompanied by a general and systematick attack upon our commerce, almost unprecedented in the history of nations. She proclaimed all the ports of France in a state of blockade, and prohibited our vessels from entering them. It is a well-known law of nations, that a neutral people may trade to every foreign port, which is not literally blockaded by the presence of an *adequate* force; but Great Britain shut up the harbours of a whole country by *mere proclamation*, and then attempted to force us to observe her mock blockades, by seizing upon our trading vessels, and confiscating their cargoes. Every American vessel that was *suspected* of being destined for France, was made a prize. Our ships were seized *in the very*

mouths of our own harbours, for violating the blockade of French ports. Emboldened by our non-resistance to such enormous illegalities, our oppressor went still further, and, in effect, excluded our vessels from the ports of Spain, and every other country with which she herself was not allowed to trade freely. In this way she expected to put a final check upon the whole commerce of the United States, unless we should compel foreign countries, over whose maritime regulations we had no control, to open their ports to her own vessels. For all these acts of oppression, she assigned the most frivolous and contradictory reasons. It was one of her favourite maxims, that *the seas were her own*; and it was evidently her determination to crush our commerce at once, in order that we might never dispute her supremacy. The whole dominion of the sea was, in fact, usurped, and every vessel, whose object was not to subserve *her* policy, treated as an open enemy.

Our government had spent months and years in seeking justice by peaceable means. Madison and Pinckney had eloquently depicted the catalogue of our wrongs, in their correspondence with the officers of the British king. Proposition after proposition was submitted—message was despatched after message;—but all our forbearance occasioned only an accumulation of injuries—the piling of Ossa upon Pelion.

Thus situated, the United States seemed to have no course left but to put themselves in readiness for a forcible resistance to tyranny; and the proceedings of the Congress now in session, were looked to with a deep and absorbing interest. It was convened by the president, at an earlier day than usual, with express reference to the subject of a declaration of war. Had the country been free from party spirit, one general sentiment, in favour of vin-

dicating our rights by an appeal to arms, would have pervaded her many millions. Such, however, was not her condition. A fierce conflict was raging at that day between Great Britain and France, and there was a powerful party in the United States, which was distinguished by such an infatuated attachment to the former power, and such a bitter hatred of the latter, that those who were members of it, chose to tolerate, without a murmur, every possible manifestation of British insolence and outrage, rather than take up arms against her. This party was strong in Congress—embracing a large proportion of the members of both houses, and embodying an aggregate of talent that rendered it truly formidable. It was against the leaders of this party that Mr. Clay was now called on to exert his power; and his country well remembers how nobly and successfully he acquitted himself in the encounter. He stood not alone—Lowndes, Cheves, Calhoun, and other powerful spirits, stood firmly at his side; but *his* name was the tower of strength on which rested the hopes of the democracy of the nation. The occasion was great, beyond any that had ever roused his energies; and his soul swelled at the contemplation of it, like the ocean, when the imprisoned winds of heaven are heaving beneath its surface. From the electric home of his mind a flash went forth, and it was seen blazing and coruscating through every city and hamlet of the Union. Like the Eastern Magician, he invoked the storm with a voice of power, and the shouts of answering spirits, like the deep murmurs of subterranean waters, went up from every hill, and plain, and valley of his country.

On the 27th of November, the committee of the house, to whom had been referred the subject of our foreign relations, made an able report, giving a concise exposition of the injustice of Great Britain toward the United States,

and insisting on the policy of war. As the resolution was discussed while Mr. Clay was in the chair, he had not an opportunity to express his opinions upon it. The debate, however, was conducted by Randolph, Cheves, Grundy, and several other distinguished speakers, with great ability and warmth. Mr. Randolph's intellect was then in its vigour; and the effort which he made, in opposition to the report of the committee, was, perhaps, the greatest in his whole congressional life. The extensive resources of his mind, the stately march of his eloquent periods, the startling flashes of his indignation, and "the sneering devil that lurked in his tone and look," rendered him an opponent, at that day, whom it was by no means safe to encounter. Mr. Clay was the only man in the house, who could dash aside, with unerring certainty, the weapons of this Ishmael.

In the course of a few days, the subject of war was presented to the representatives of the people, in the form of a bill for raising a military force of twenty-five thousand men; and the speaker mingled in the debate. He gave to the friends of the bill his heartiest co-operation. Although the taunts of the opposition had been many and bitter, he entered into the discussion with all the dignity and philosophical calmness by which he had been uniformly characterized. The subject in debate was well calculated to excite the feelings, and preclude dispassionate argument; but he took an elevated stand, from which he could look calmly down upon the fierce passions warring and maddening beneath him, and hold out his subject to the view of his audience in its true colour and dimensions. He seemed like one who had been far on in advance of his companions, and had come back to point out to them the path they were to pursue. His remarks were never fully reported, and, for a knowledge of

their character, we are more indebted to the testimony of ear-witnesses, than to that of the congressional journals. The speech was a splendid combination of vigorous logick and eloquent appeal. The orator confined himself, for a time, to severe disquisition; and, after working a rational conviction in the minds of the assembly, he let his words go out "like a thunder-roll upon the banners of the air," to quicken and electrify the passions.

Among those who were in favour of war, there was a great difference of opinion as to the quantum of military force which it was expedient to raise. Some gentlemen proposed fifteen thousand—a force which Mr. Clay thought too small for war, and too great for peace. The secretary of war had stated, in his report, that more than twelve thousand men would be necessary for the single purpose of manning the fortresses upon the sea-board; and it was probable that a portion of these would be taken from the twenty-five thousand, whom the bill before the house proposed to raise. The British troops in Canada were eight thousand strong; and, in case of an invasion, they would be concentrated within the almost impregnable fortress of Quebec. In marching to this principal point of attack, our army would find it necessary to subdue the upper part of Canada, and distribute a considerable number of men on the route, to keep possession of the various places of military strength. Before the walls of Quebec, our troops would find their numbers greatly reduced; and Mr. Clay contended, that the fortress could not be safely attacked by a force less than double of that by which it was garrisoned. If it fell, another detachment from the regular army must be left to hold it; and if the war was afterwards to be carried into the lower country, it seemed obvious that the whole force of twenty-five thousand men would be by no means too great. Even if

all designs of invading Canada were to be abandoned, Mr. Clay argued, that the proposed force would be none too large for the protection of the immense territory of the United States, including, as it does, a maritime frontier, every where exposed to the depredations of a naval power. His plan was, to prosecute the war, if it were undertaken, with the whole of a nation's energies—to crush, at once, with an armed heel, the serpent that was giving its deadly embrace to our liberties.

An attempt had been made in the discussion, particularly by Mr. Randolph, to excite the prejudices of the house against a regular army, which, he contended, would be likely to deluge the country in blood, and build up a throne to some idol conqueror. "I am not," said Mr. Clay, "the advocate of standing armies; but the standing armies which excite most my fears, are those which are kept up in time of peace. I confess I do not perceive any real source of danger in a military force of twenty-five thousand men in the United States, provided only for a state of war, even supposing it to be corrupted, and its arms turned, by the ambition of its leaders, against the freedom of the country. I see abundant security against any such treasonable attempt. The diffusion of political information amongst the great body of the people, constitutes a powerful safeguard. The American character has been much abused by Europeans, whose tourists, whether on horse or foot, in verse and prose have united in depreciating it. It is true, that we do not exhibit as many signal instances of scientific acquirement in this country, as are furnished in the old world; but it is undeniable, that the great mass of the people possess more intelligence than any other people on the globe. Such a people, consisting of upwards of seven millions, affording a physical power of about a million of men, capable of bearing arms, and

ardently devoted to liberty, cannot be subdued by an army of twenty-five thousand men. The wide extent of country over which we are spread, is another security. In other countries, France and England for example, the fall of Paris or London is the fall of the nation. Here are no such dangerous aggregations of people. New-York, and Philadelphia, and Boston, and every city on the Atlantic, may be subdued by an usurper, and he will have made but a small advance in the accomplishment of his purpose. Even let the whole country east of the Alleghany submit to the ambition of some daring chief, and the liberty of the Union will be still unconquered. It will find successful support from the west. A great portion of the militia—nearly the whole, I understand, of that of Massachusetts, have arms in their hands; and I trust in God, that this great object will be persevered in, till every man in the nation can proudly shoulder the musket, which is to defend his country and himself. A people having, besides, the benefit of one general government, other local governments in full operation, capable of exerting and commanding great portions of the physical power, all of which must be prostrated before our constitution is subverted—such a people have nothing to fear from a petty contemptible force of twenty-five thousand regulars."

Some of the more timorous and pacific members of the house had intimated, that it was improper to discuss publicly the subject of a war against Britain. "I do not," said Mr. Clay, "feel that impropriety. It is a subject, in its nature incapable of concealment. Even in countries where the powers of government are conducted by a single ruler, it is almost impossible for that ruler to conceal his intentions, when he meditates war. The assembling of armies—the strengthening of posts—all the movements preparatory to war, and which it is impossible to disguise,

unfold the intentions of the sovereign. Does Russia or France intend war?—The intention is invariably known before the war is commenced. If congress were to pass a law, with closed doors, to raise an army for the purpose of war, its enlistment and organization, which cannot be done in secret, will indicate the use to which it is to be applied; and we cannot suppose England will be so blind as not to see that she is aimed at. Nor can she injure us more, by thus knowing our purposes, than if she were kept in ignorance of them. She may, indeed, anticipate us, and commence the war. But that is what she is, in fact, doing; and she can add but little to the injury she is inflicting. If she chooses to declare war in form, let her do so—the responsibility will be with her."

It had been emphatically asked by the opposition, what we were to gain by the war. "In reply," said Mr. C., "I will ask, what are we not to lose by peace?—Commerce, character, a nation's best treasure, honour! If pecuniary considerations alone are to govern, there is sufficient motives for the war. Our revenue is reduced by the operation of the belligerent edicts, to about six millions of dollars. The year preceding the embargo, it was sixteen. Take away the orders in council, it will again mount up to sixteen millions. By continuing, therefore, in peace, if the mongrel situation, in which we are, deserves that denomination—we lose annually, in revenue alone, ten millions of dollars. Gentlemen will say, repeal the law of non-importation. If the United States were capable of that perfidy, the revenue would not be restored to its former state, the orders in council continuing. Without an export trade, which these orders prevent, inevitable ruin will ensue, if we import as freely as we did prior to the embargo. A nation that carries on an import trade, without an export trade to support it, must, in the end, be as

certainly bankrupt, as the individual would be who incurred an annual expenditure without an income."

Every speech that was made before the house, in opposition to the war, was filled with the praises of England, and the most unmeasured abuse of Buonaparte. The latter was represented as having effaced the title of Attila to the "Scourge of God," and transformed the human race into a mere machine of his impious and bloody ambition. The way in which we were required to show our abhorrence of this malefactor of the human race, was to bear our injuries with patient endurance, lest we should weaken the exertions of his great rival. "But allowing," said Mr. C., "that the object of England is to check the progress of tyranny, how is her philanthropick purpose to be achieved? By a scrupulous observance of the rights of others—by respecting that code of publick law which she professes to vindicate—and by abstaining from self-aggrandizement? Then would she command the sympathy of the world. What are we required to do, by those who would engage our feelings and wishes in her behalf? To bear the actual cuffs of her arrogance, that we may escape a chimerical French subjugation! We are invited, conjured, to drink the portion of British poison actually presented to our lips, that we may avoid the imperial dose prepared by perturbed imaginations. We are called upon to submit to debasement, dishonour, disgrace,—to bow the neck to royal insolence, as a course of preparation for manly resistance to Gallic invasion! What nation, what individual, was ever taught, in the schools of ignominious submission, these patriotic lessons of freedom and independence? Let those who contend for this humiliating doctrine, read its refutation in the history of the very man, against whose insatiable thirst of dominion we are warned. The experience of desolated Spain, during

the last fifteen years, is worth volumes. Did she find her repose and safety in subserviency to the will of that man? Had she boldly stood forth, and repelled the first attempt to dictate to her councils, her monarch would not now have been a miserable captive in Marseilles. Let us come home to our own history; it was not by submission that our fathers achieved our independence. The patriotic wisdom that placed you, Mr. Chairman, under that canopy, penetrated the designs of a corrupt ministry, and nobly fronted encroachment on its first appearance. It saw, beyond the petty taxes with which it commenced, a long train of oppressive measures, terminating in the total annihilation of liberty; and, contemptible as they were, it did not hesitate to resist them. Take the experience of the last four or five years, which, I am sorry to say, exhibits a different kind of spirit. We were, but yesterday, contending for the indirect trade—the right to export to Europe the coffee and sugar of the West Indies. To-day we are asserting our claim to the direct trade—the right to export our own cotton, tobacco, and other domestic produce, to market. Yield this point, and, to-morrow, intercourse between New-York and New-Orleans—between the planters on James River and Richmond, will be interdicted. The career of encroachment is never arrested by submission. It will advance, while there remains a single privilege on which it can operate. Gentlemen say, that this government is unfit for any war but a war of invasion. What! is it not equivalent to invasion, if the mouths of our harbours and outlets are blocked up, and we are denied ingress from our own waters? When the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly skulk within the cells of the castle?"

After the delivery of Mr. Clay's speech, several efforts were made to get the bill amended; but they were all in-

effectual, and the bill was passed by a vote of ninety-four to thirty-four—several gentlemen voting in the affirmative, whose support had been confidently counted on by the opposite party. This was the first step of the government towards preparing for war.

After the house had voted to increase the military force of the country, a bill was brought forward to make provisions for a navy. The president, in his message, had called the attention of congress to the subject, by suggesting the propriety of fitting our maritime force for the services to which it was best adapted, and augmenting the stock of such materials as were, in their nature, imperishable. The bill, which proposed an appropriation by government for the purchase of timber, and the repair of those vessels which were in a state of decay, gave rise to an animated discussion upon the true naval policy of the United States. The same objection which had been made to an army, was now urged with equal vehemence against a navy—the danger, that an armed force would subvert the liberties of our republic. It was insisted, too, that the fitting out of naval armaments would require a pecuniary expenditure, which the people were, by no means, prepared to meet, and that it was in vain for us to think of contending with the maritime force of Great Britain, whose fleets covered the ocean, like wide-extended cities. The great champions of the navy were Clay, Cheves, and Lowndes, each of whom spoke with an eloquence that thrilled the hearts of the audience like a tone of prophecy. The speech of Mr. Clay, in particular, deserves to be treasured up as a text-book, from which nations, in their infancy, may draw wise and practical lessons of naval policy.

In the prosecution of his argument, Mr. C. described three different degrees of naval force, and considered each

of them in reference to the necessities and the pecuniary ability of the United States. The first was a force that should enable us to go boldly forth upon every sea and ocean, and bid defiance to the largest fleets of a belligerent power, wherever they might be encountered. Such a force, he admitted, it would be the extreme of madness and folly for our government to think, at that time, of establishing.

The second description of force referred to by Mr. Clay, was one which, without often venturing to seek an enemy in foreign climes, should be competent to beat off any squadron or fleet, which Great Britain, or any other nation, might attempt to station permanently upon our coast. He shewed, that this might be done by a force equal to one third of that employed against us, it being a fact proved by nautical experience, that a nation cannot maintain a permanent force upon a distant station, without an equal force constantly in port for repairs, and another as constantly on the passage. From this he inferred, that twelve ships of the line, and fifteen or twenty frigates, would enable us to encounter the most formidable fleet which Great Britain, during the continuance of her European conflict, could maintain in the American waters. Such a naval armament, he acknowledged, could not be looked for at that time; but he urged on congress the policy of making preparation for it, and expressed his entire conviction, that the finances of the country would warrant its completion in a few years. He was not intimidated by the boasted navy of the ocean-queen. So great, he contended, was her distance from us—so imminent the perils of a squadron on a remote shore—and so numerous the facilities offered by an extensive sea-board to our own vessels for annoying and evading an enemy—that we should soon have the means of providing a force, which would

empower us to vindicate all our maritime rights. Of the truth of this opinion, which, at that time, was in direct opposition to public sentiment, the country can now judge. Our surprise has often been excited to find Mr. Clay's predictions with regard to the affairs of the nation, so unfailingly supported by subsequent experience. Whatever he has attempted to foretell, has been uniformly written down by Time upon the page of history.

X A third description of naval force Mr. Clay considered as perfectly within the nation's resources at the time of the discussion. This was a force which should enable us to prevent any single vessel, of whatever magnitude, from endangering our whole coasting trade, and laying our chief cities under contribution. Even on this point he was obstinately opposed, but such was the power with which he grappled the arguments of the opposition, that he scattered them around him piece-meal. That policy which refuses to provide against any dangers because it cannot guard against all, he reprobated with strong and manly indignation. "If," said he, "we are not able to meet the gathered wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way?"

The reader probably recollects, that Mr. Clay, in discussing the right of the general government to occupy West Florida, proved, that the possession of the country was indispensable to the commerce of the western states. On the present occasion, he shewed, with equal clearness, that the whole of this commerce would inevitably be sacrificed, if all our armed vessels were left in a dismantled condition. "If," said he, "there be a point, more than any other in the United States, demanding the aid of naval protection, that point is the mouth of the Mississippi. The population of the whole western country are depend-

ant on this single outlet for their surplus productions. These productions can be transported in no other way. They will not bear the expense of a carriage up the Ohio and Tennessee, and across the mountains; and the circuitous voyage of the Lakes is out of the question. Whilst most other states have the option of numerous outlets, so that, if one be closed, resort can be had to others, the vast population of the western country have no alternative. Close the mouth of the Mississippi, and their export trade is annihilated. I would call the attention of my western friends, especially my worthy Kentucky friends—from whom I feel myself, with regret, constrained to differ on this occasion—to the state of the public feeling in that quarter, whilst the navigation of the Mississippi was withheld by Spain; and to the still more recent period, when the right of dépôt was violated. The whole country was in commotion, and, at the nod of government, would have fallen on Baton Rouge and New Orleans, and punished the treachery of a perfidious government. Abandon all idea of protecting, by maritime force, the mouth of the Mississippi, and we shall have the recurrence of similar scenes. We shall hold the inestimable right of the navigation of that river by the most precarious tenure. The whole commerce of the Mississippi—a commerce that is destined to be the richest that was ever borne by a single stream—is placed at the mercy of a single ship lying off the Balize! Again, what is to become of Cuba? Will it assert independence, or remain the province of some European power? In either case, the whole trade of the western country, which must pass almost within gun-shot of the Moro Castle, is exposed to danger. It is not, however, of Cuba I am afraid. I wish her independent. But suppose England gets possession of that valuable island. With Cuba on the south, and Halifax on the north—and

the consequent means of favouring or annoying the commerce of particular sections of the country—will not the most sanguine amongst us tremble for the integrity of the union? If, along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the western country, contemplate such possible, nay, probable events, without desiring to see, at least, the commencement of such a naval establishment, as will effectually protect the Mississippi? Let me intreat them to turn their attention to the defenceless situation of the Orleans Territory, and to the nature of its population. It is known that, whilst under the Spanish government, they experienced the benefit of naval security. Satisfy them that, under the government of the United States, they will enjoy less protection, and you disclose the most fatal secret."

Having demonstrated the peculiar importance of a navy to the western states, the orator proceeded to show, that, without it, no commerce could exist to any extent. "A marine," said he, "is the natural, the appropriate guardian of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flocks that browse and gambol on the neighbouring mountain. Neglect to provide the one, and you must abandon the other. Suppose the expected war with Great Britain is commenced—you enter and subjugate Canada, and she still refuses to do you justice—what other possible mode will remain to operate on the enemy, but upon that element where alone you can then come in contact with him? And, if you do not prepare to protect there your own commerce, and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But, from the arguments of gentlemen, it would seem to

be questioned, if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce, that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of government ever since the adoption of the present constitution—maintained an expensive and successful war with the Indians—a war with the Barbary Powers—a quasi war with France—sustained the charges of suppressing two insurrections, and extinguishing upwards of forty-six millions of the public debt. In revenue, it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present government, the revenue averaged only about two millions annually—during a subsequent period of four years, it rose to an average of fifteen millions annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per cent. per annum. And, if our commerce is re-established, it will, in the course of time, nett a sum for which we are scarcely furnished with figures in arithmetick. Taking the average of the last nine years—including, of course, the season of the embargo—our exports average upwards of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars, at six per cent. interest, all of which must be lost, in the event of a destruction of foreign commerce."

It is not surprising, that arguments like these prevailed over the scruples and prejudices of the house. Their success was complete. A generous appropriation was made, and the navy fitted up with all convenient despatch. The result is familiar to the world. The naval force, which, in the beginning of 1812, was hanging, for its very existence, upon the energetic and vehement appeals of Mr. Clay, became, in less than two years, the right arm of our

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country, and the chastiser of our giant foe. Its power broke upon that foe, like a burst from an unseen cloud; and, where its battle-thunders fell, his strength was shivered like an untempered spear. The shout of "Victory!" "Victory!" was wasted from Erie and Michigan—and, from the remote waters of the Atlantick and Pacifick, were borne back the echoes of "Victory!" "Victory!" Our commerce, thus nobly protected, has swept in triumph over the ocean, and made its waters the source of a more priceless treasure, than if, like the waves of the fabled Pactolus, they swept over sands of golden jewelry.

The discussion of the navy bill took place in January, 1812. After the passage of the bill, various debates, some of great, and others of less importance, occurred on the subject of our relations with Great Britain, and, in all of them, Mr. Clay was the champion and the guide of the democratic party. No difficulties could weary or withstand his energies. He moved in majesty, for he moved in strength. Like the Carthaginian chief in the passage of the Alps, he kept his place in front of his comrades, putting aside, with a giant effort, every obstacle that opposed his progress, applauding the foremost of his followers, and rousing those who lingered, by words of encouragement or reproach, till he succeeded in posting them upon a moral eminence, from which they could look down upon the region, where their prowess was to meet with its long-expected reward.

In the latter part of March, Mr. Madison transmitted a message to the two houses of congress, recommending an embargo of sixty days. This measure seemed indispensable. So much had been said, and vainly said, about war, during the last three or four years, that, notwithstanding the warlike preparations which were now constantly going forward, a majority of the people of the United States believed that it would never take place. They continued

to send out their unprotected trading vessels upon the ocean, as if looking forward to years of uninterrupted peace. Had war suddenly commenced while these vessels were abroad, they would, of course, have fallen an almost indiscriminate prey to British cruisers, and hence the general government deemed it expedient to prohibit all egress from our ports, until the commerce of the country could be placed in a condition of greater security.

The message of the president was discussed in the house of representatives, in secret session, on the first day of April. The injunction of secrecy was soon afterwards removed, and the proceedings became public. Having looked in vain for a satisfactory report of the debate, we shall transcribe the account of it given us by a distinguished friend, who was, at that time, a member of congress, and, like Mr. Clay, an efficient supporter of the administration.

" During the discussion of the policy of the embargo, I was in the house. I have seldom known a debate conducted with greater ability, or with more spirit and determination. Mr. Clay took the lead in support of the embargo, and Messrs. John Randolph and Josiah Quincy in opposition to it. There was a moral grandeur in the collision of such minds, which I think myself fortunate in having witnessed.

" Mr. Quincy was a strong-minded man, but relentless in his hostility to Mr. Madison's administration, and immoderate in his prejudices against the embargo. During Mr. Jefferson's embargo of 1807, some of his constituents had resisted its operation, and made an ineffectual effort to procure its repeal, by bringing the question of its constitutionality before the supreme court of the United States.

" Mr. Q. professed to believe, that the embargo was not designed as a preparation for war, but as a temporary refuge from the necessity of declaring it. He contended,

that, in our unprotected condition, it would be folly to go to war, and that the administration dared not be guilty of it.

" An intimation had been thrown out by some one, that Mr. Q., in conjunction with one or two other gentlemen, had sent off an express on the day preceding the reception of the president's message, to give information of the probable embargo to the citizens of New-York, Philadelphia, and Boston. He acknowledged the fact, and gloried in it. ' By anticipating the mail,' said he, ' we have given an opportunity to great masses of our property to escape from the ruin our cabinet is meditating for them—ay, to escape into the jaws of the British Lion and the French Tiger, which are places of refuge in comparison with the grasp of this Hyena Embargo. Look now upon the river below Alexandria, and you will see the sailors towing down their vessels, as from a pestilence, against wind and tide, anxious to escape from a country which would destroy, under pretence of preserving them.' Mr. Randolph spoke on the same side, with his characteristick pungency and power, and far more than his usual earnestness. He, too, spoke of the declaration of war as absurd—as treasonable—as an act which the general government, with all its madness and fatuity, had not the courage to perpetrate. With an air of triumph he exclaimed, ' What new cause have we of war! what new cause of embargo! The affair of the Chesapeake is settled, and no new principle of blockade is interpolated in the law of nations!' Mr. Clay was a flame of fire. He had now brought congress to the verge of what he conceived to be a war for liberty and honour, and his voice, inspired by the occasion, rang through the capitol, like a trumpet-tone sounding for the onset. On the subject of the policy of the embargo, his eloquence, like a Roman phalanx, bore down all opposition, and he put to

shame those of his opponents, who flouted the government as being unprepared for war. ‘Why is it,’ he exclaimed, indignantly, ‘that we are no *better* prepared! Because the gentlemen themselves have thrown every possible obstacle in our way! They have opposed the raising of an army—the fitting out of a naval armament—the fortification of our frontiers—and now talk of the madness of engaging in a war, for which we are not *prepared*! It is asked, what new cause of war? In reply, I will ask, what *old* cause of war is avenged? The affair of the Chesapeake is settled—but why? *To paralyze the spirit of the country.* Has Great Britain abstained from impressing our seamen, and depredating upon our property? I have in my hands an account of the recent capture of the ship Hannibal, worth, with the cargo, 300,000 dollars, near our own coast, on a voyage to France. I have no doubt but that the late Indian hostilities on the Wabash were excited by the British. Is not this cause of war? By reiterated appeals like these, he wrought upon the feelings of Congress, till his spirit seemed to pervade it like an omnipresence; and when the question of the embargo was taken, a large portion of the opposition was with him. The intelligences around him bowed down and did him obeisance, like the sheaves in the vision of the patriarch. I scarce need remark to one acquainted with the history of that period, that Mr. Clay was looked upon as the chief support of the public cause in Congress. He was considered as sustaining its fortunes upon his shoulders.”

Toward the close of the session, Mr. Clay, in the discharge of his duties as speaker, became involved in an unpleasant controversy with Mr. Randolph; and the excitement produced by the circumstances at the time, as well as the importance of the principles settled by the discussion, entitles the affair to notice. On Thursday, the

28th of May, one of Mr. R.'s personal and political friends, happening to be in conversation with Mr. Clay, inquired of him on what day the administration party would attempt a declaration of war. Mr. C., with the frankness that always marked his political character, replied, that the measure would probably be attempted on the following Monday. This intelligence was immediately conveyed to Mr. Randolph, who rose in his place the next morning, and, after stating that he had a motion to make, commenced a speech upon the subject of our relations with Great Britain and France. He had spoken but a few minutes, when he was called to order by one of the members, on the ground that there was no motion before the house. Mr. Clay overruled the objection, as Mr. Randolph had signified his intention to make a motion, and it was usual to admit prefatory remarks. Mr. R. resumed his speech, and, after continuing it till it had wholly lost its prefatory character, Mr. Calhoun interrupted him with the observation, that the question of war was not before the house, and that he was, therefore, speaking contrary to rule, and without affording others an opportunity to reply. Mr. Bibb, who then occupied the speaker's chair, in the momentary absence of Mr. Clay, decided that Mr. Randolph was in order. Mr. Clay returned to the chair, and, in a few minutes, Mr. Calhoun again interrupted Mr. R., with the demand that he should submit to the chair the motion he intended to make. Mr. Clay said, that unquestionably the gentleman might be called on to submit his proposition in writing, because it was the speaker's duty to require, that the observations made on the floor should be applicable to the subject in debate—a duty which could not be performed, unless the terms of the proposition were known. Mr. Randolph then said—"my proposition is, that it is not expedient, at this time, to resort to

a war with Great Britain." The speaker inquired if the motion was *seconded*. Mr. R. expressed his surprise that a second, in such a case, should be required. The speaker rejoined, that every motion must be seconded before it could be announced from the chair, and that he should require the motion to be reduced to writing. "Then I appeal from that decision," said Mr. Randolph. The speaker now stated the grounds of his decision, and his remarks were followed by a general discussion upon the subject of its correctness. On taking the vote, the chair was sustained by a large majority. "Sir," said Mr. Randolph, "I am compelled to submit my motion in writing; and, under that compulsion, I offer it." "There is no compulsion in the case," replied the speaker; "because the gentleman may or may not offer it, at his option." The motion was now read from the chair, and the speaker remarked, that after a resolution was presented to the house, it was not in order to debate it, until the house had agreed to consider it. Mr. Randolph again appealed from the decision of the chair; but after a stormy debate, withdrew his appeal, at the suggestion of his friend, Mr. Macon. The speaker next addressed the house in vindication of his course; and when the question was taken, whether the house would consider Mr. Randolph's resolution, it was decided in the negative, by a vote of 72 to 37. Mr. R. was now compelled to take his seat; but under the influence of passion excited by his defeat, he published, on the following day, an intemperate address to his constituents, telling them that the freedom of speech in congress was reduced to an empty name—that it had been decided, for the first time, in the person of their representative, that the house might refuse to hear a member in his place, upon the most momentous subject, which could be pre-

sented for legislative decision—that this was a usurpation, more flagitious than any which had ever been practised under the reign of terror, by the father of the sedition laws—and, that the people must interfere, and apply a remedy, or bid adieu to a free government forever. On the appearance of this singular document, Mr. Clay promptly replied to it, in a communication, under his own name, to the editors of the government paper at Washington. He stated, in this communication, that two principles had been settled by the decisions, of which Mr. Randolph complained; in the first place, that the house had a right to know, through its organ, the specific motion which a member intended making, before he undertook to argue it at large; and, in the second place, that it reserved to itself the exercise of the power of determining, whether it would consider the motion at the particular time when offered. So completely overmastering was his defence of these principles—so inescapable his refutation of his opponent's arguments, and so perfect his demonstration of the impropriety of Mr. Randolph's conduct, in attempting to anticipate the will of the house, by discussing publicly a subject which he knew was to be considered in secret session, that Mr. R., fond as he was of disputation, and bitter as he was known to be in his enmity to Mr. Clay, made an awkward retreat from the controversy. The principles that were here established by Mr. Clay, have been considered authoritative; and no subsequent attempt has ever been made, to deprive the House of Representatives of the right of regulating its own proceedings, and force it, contrary to its will, to listen, by the hour, to the whimsical or irregular remarks of a disordered or obstinate individual.

The declaration of war did not take place on the Monday following the collision between Mr. Clay and Mr. Randolph, as had been anticipated by Mr. C. and his

friends. The act of declaration was passed in the house on the 18th of June, and the president's proclamation of the actual existence of war, bears date of the 19th. The long expected step was now taken. Our country had, for years, contended, in vain, against the tyranny of her foe, and, at last, like the ancient Gaul, she threw her sword into the scale.

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SECTION SECOND.

THE next session of congress commenced on the second day of November, 1812, and the president, in his annual message to the two houses, gave a rapid sketch of the events which had taken place during the recess. No means of establishing an honourable peace had been left untried by the American government. Within a single week after the declaration of war, Mr. Monroe, then secretary of state, wrote to Mr. Jonathan Russell, the American Minister at the Court of St. James, authorising him to agree to an armistice with the British government, on condition that the orders in council should be repealed, and the impressment of our seamen discontinued. Shortly afterwards, Mr. Russell was empowered to stipulate for an armistice in general terms, without insisting upon an express agreement with regard to the chief points in controversy. His propositions were promptly rejected—rejected, too, with a sneer at our country, as being already sick of war. The enemy refused to treat with us, unless, as a preliminary step, we would recall our letters of marque and reprisal, and give orders for the suppression of all acts of hostility against British subjects and British property. Such a humiliation, though demanded by the clamours of a portion of the federal party, was not to be thought of, and, in order to prosecute the war with vigour, the president suggested, in his message, the expediency of raising an additional military force. Such a measure seemed now indispensable. An army under General Hull, who, at the commencement of the war, was commissioned to make an attack upon the British provinces, had surrendered to an inferior force, under circumstances which strongly

betokened either cowardice or treachery. This event had temporarily deprived us of the means of carrying the war into Canada, and thrown a partial gloom over the spirit of the country, notwithstanding our brilliant successes upon the ocean, and the glory which had crowned the American arms at Queenstown.

Agreeably to the suggestions of the executive, the military committee of the house of representatives reported a bill, on the 24th of December, for raising an additional force of twenty thousand men. In the debate upon this bill, the supporters and opposers of the war rallied all their strength against each other, and discussed the general condition of the nation, and the whole policy of the American government. Few political conflicts were ever more deeply interesting, whether we consider the talent and character of the combatants, or the magnitude of the question upon which their rival powers were exerted. It depended on the issue of that conflict, whether the general government should, in the hour of trial, be deserted by the nation, and compelled to make a disgraceful peace, or furnished with the means of prosecuting the war with energy and might, and extorting just and honourable terms from our haughty foe. It was an encounter of intellect with intellect—a grappling of mind with mind—such as could not be contemplated without a noble swelling of the soul, even though it was known, that the issue of the struggle might be a nation's infamy.

It would seem as if, after the declaration of war had been actually made, and the clash of bayonets, the ringing of swords, and the death-roar of artillery, had been borne upon the gale, all classes of American citizens—whatever had been their original feelings and predilections—would have united to bring the conflict to an honourable termination. Such was not the case. The enemies of the ad-

ministration had predicted defeat and disgrace, and they appeared willing to establish their reputation as soothsay-
ers at the expense of their country—willing to barter the vast expansion of renown, that had been bequeathed them by the fathers of American Independence, for the gratification of their own partisan prejudices and resentments.

The increase of the army was opposed by Messrs. Quincy, Randolph, Pitkin, and ten or twelve other gentlemen, with a strength, spirit, and perseverance, that would have borne any ordinary antagonist to the earth. Mr. Quincy, as in the case of the embargo, was probably the strongest man in the opposition, and, with the exception of Mr. Randolph, certainly the most violent and abusive. His remarks, as recorded in the journals of congress, transgressed the utmost limits of the venial freedom of debate. Were it not that he has since evinced his integrity of purpose, by a life devoted to the great objects of virtue and patriotism, those who remember his course in 1812, when he raised a parricidal hand against his country, would be ready to brand him as a traitor. It is almost wonderful, that the Genius of American Liberty, assailed as she was at that day, by her own gifted sons, had not muffled up her face, like the ancient Roman at the base of Pompey's statue, and sunk down, the heart-broken and unresisting victim of treachery.

Mr. Quincy, in his attack upon the democratic members of the house—those who were advocates for supporting the war—forgot, in the excitement of the moment, every feeling of decorum and gentlemanly respect. He described them as “young politicians, with the pin-feathers yet unshed, and the shell still sticking upon them—perfectly unfledged, though they fluttered and cackled upon the floor of congress—bloodhound-mongrels, who were kept in pay to hunt down all that opposed the court—a

pack of mangy dogs of recent importation—their backs still sore with the stripes of European castigation, and their necks marked with the check collar.” Again he spoke of them as “sycophants, fawning reptiles, who crawled at the feet of the president, and left their filthy slime upon the carpet of the palace.”

Mr. Clay’s castigation of Mr. Quincy for these disgusting and unprovoked personalities, was terrible—its parallel can scarce be found in the history of congressional encounter. The time demanded that the reproaches of the opposition should be cast back upon them, and Mr. C. selected their champion as the peculiar object of retributive justice. Much as Mr. Q. had been reprobated for his licentious denunciations of his opponents, both friends and enemies were ready to pity him for the severity of his punishment. The flame descended upon his defenceless head, and,

“Like the tall pine by lightnings riven,”

he shewed the marks of its blastings. It is due to his reputation to add, that he became so heartily ashamed of the personalities by which his punishment had been provoked, that he procured the suppression of some of them, and the mitigation of others, in the printed copies of his speech.

In the course of his remarks, Mr. Q. assailed, with bitter invective, the character of Mr. Jefferson. Mr. Clay’s panegyric upon that exalted man—the man from whom he had learned his own political principles—is so eloquent and beautiful, that, although it was not immediately connected with the principal theme of discussion, it deserves to be recorded and remembered. The star of Mr. Jefferson’s fame had reached its glorious culmination—but men

were not wanting to attempt to dim its brightness with the murky vapours of their own pestilential breath.

" Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. In 1801, he snatched from the rude hand of usurpation the violated constitution of his country, and *that* is his crime. He preserved that instrument in form, and substance, and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How vain and impotent is party rage, directed against such a man! He is not more elevated by his lofty residence upon the summit of his own favourite mountain, than he is lifted by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not less moved by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack, set loose from the Essex kennel! When the gentleman, to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honoured and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history—an Oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed; I think it was about four years ago, that he submitted to the house of representatives an initiative proposition for an impeachment of Mr. Jefferson. The house condescended to consider it. The gen-

tleman debated it with his usual *temper, moderation, and urbanity*. The house decided upon it in the most solemn manner, and, although the gentleman had somewhere obtained a second, the final vote stood, one for, and one hundred and seventeen against, the proposition! The same historick page that transmitted to posterity the virtue and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the frantick assassin of that excellent monarch. The same sacred pen that portrayed the sufferings and the crucifixion of the Saviour of mankind, has recorded, for universal execration, the name of him who was guilty, not of betraying his country, but (a kindred crime) of betraying his God."

The prediction as to the feeling with which Mr. Jefferson's services would, in future years, be remembered, is already verified. A nation's blessing is resting, like a beautiful diadem, upon his name. It is true, that some have spoken reproachfully of his memory, even since the time when, as if by a miracle, he was gathered, with a fellow patriarch, to his fathers, on the day which their united exertions had rendered the holiest in the American calendar. It is as if the uncircumcised Philistines had assembled under the fiery chariot of the Prophet, and howled their curses after him, while he was ascending into the bosom of his God.

Mr. Clay's remarks upon these incidental topics of Mr. Quincy's speech, were merely a prelude to the bursts of eloquence that were to follow—the trickling of the drop ere the breaking of the fountain. When he came to speak of the critical situation of the country—of the power and spirit of our enemy—of the empyrean glory won for us in the days of the revolution, by those who poured out their life-blood like rain as a sacrifice to liberty—of the concen-

trated energies which were demanded for the maintenance of our honour and our rights—and of the degradation that would ever afterwards cling to us like a leprosy, if we yielded to the insolent and despotick requisitions of Great Britain—the house was electrified by his thrilling and passionate appeals. He spoke like a man conscious of his responsibility to the nation. At his bidding, the lurid cloud of war had closed over the land, and it now belonged to him to teach his countrymen to breast the storm. He heard the voice of ages calling aloud upon his name, and his great spirit was stirred within him at the sound. No obstacle could successfully oppose him. His eloquence was a torrent-flood, sometimes rolling on in unobstructed magnificence, and then foaming, and roaring, and dashing through the severed mountain, while, ever and anon, the beautiful flashes of fancy and imagination shone up, amid the majestic manifestations of intellect and passion,

“Like a bright Iris o'er the boiling surge.”

It has been said by those who listened to Mr. C.'s speech, that his sarcasm upon the federalists was overwhelming. Every federal eye was bent in shame upon the floor, and the effect upon the party is represented to have been permanent and salutary. The report that has been given of this portion of his remarks, is very imperfect, and it is utterly impossible, without having heard them, to form an adequate idea of their pungency. The sarcastic tone, the withering look, and the scornful gesture—these have passed away with the occasion, and cannot be imagined by those who are unacquainted with the manner of the orator.

“The course of that opposition by which the administration of the government has been unremittingly impeded for the last twelve years, is singular, and, I believe, unex-

ampled in the history of any country. The administration has not been forgetful of its solemn obligations. No art has been left unessayed—no experiment, promising a favourable result, left untried—to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have accomplished its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came along the non-intercourse; and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon with avidity by the administration—the arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort, the administration cultivates peace, the opposition insist, that it alone is culpable for every breach that is made between the two countries. Restriction after restriction has been tried—negotiation has been resorted to, until further negotiation would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war—the proud, the spirited, the sole repository of the nation's honour—the men of exclusive vigour and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—‘incapable of being kicked into a war.’ The maxim, ‘not a cent for tribute, millions for defence,’ is loudly proclaimed. Is the administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, however, foreign nations,

perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals which have been repeated and reiterated by the administration to their justice and to their interests—when, in fact, war with one of them has become identified with our existence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round, and becoming the friends of peace and commerce. They tell you of the calamities of war—its tragical events—the squandering away of your resources—the waste of the public treasure, and the spilling of innocent blood—‘Gorgons, hydras, and chimeras dire.’ They tell you, that honour is an illusion! Now we see them exhibiting the terifick forms of the roaring king of the forest. Now the meekness and humility of the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them tacking with every gale, displaying the colours of every party and of all nations, steady only in one unalterable purpose, to steer, if possible, into the haven of power.”

Mr. Clay’s remarks upon the subject of the impressment of American seamen by Great Britain, constitute one of the finest appeals in the language, and have been extensively admired. It appears that, in 1776, congress passed a bill in favour of furnishing our seamen with certificates of citizenship, to prevent their being mistaken for British subjects.

“ We are told by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection authorized by congress, are fraudulently used. Sir, government has done too much in granting those paper pro-

tectors. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave, ‘let the bearer, Mungo, pass and repass, without molestation.’ What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature, they must be liable to abuse on both sides. If Great Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colours that float from the mast head, should be the credentials of our seamen. It is impossible that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose, that the Genius of Columbia should visit one of them in his oppressor’s prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side, ‘Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail on her, by peaceable means, to release you, but I cannot, my son, fight for you.’ If he did not consider this mere mockery, the poor tar would address her judgement, and say, ‘You owe me, my country, protection; I owe you, in return, obedience. I am no British subject—I am a native of old Massachusetts, where live my aged father, my wife, my children. I have faithfully discharged my duty. Will you refuse to do yours?’ Appealing to her passions, he would continue, ‘I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerrier struck.’ There was something in the impassioned gesture and pathetick tone of utterance which distinguished this appeal, that the

feeling which dictated it passed from man to man, as if one mysterious chain of sympathy connected every bosom.

The editor of the National Intelligencer declares, that the pathetick effect produced by the appeal, admits not of description. Although the day was extremely cold, so cold that Mr. Clay, for the only time in his life, was unable to keep himself warm by the exercise of speaking, there were few individuals in the house who did not bear witness, by their streaming eyes, to the orator's control over their sensibilities. Members of both political parties—men whose patriotick souls had been sustained by his eloquence, and those who had been writhing and agonizing under his indignation—forgot their antipathies and wept together. This has always been one of Mr. C.'s remarkable powers. He is such a perfect master of the language, tone, and look of passion, he addresses himself to the deeper feelings with such mysterious skill,

“Untwisting all the chains that tie
The hidden soul of sympathy,”

that opposing spirits feel the influence of his power, and “like kindred drops, are mingled into one.”

The principal point upon which the federalists insisted, in their opposition to the army bill, was the injustice and impolicy of invading Canada—the object for which the additional military force was proposed to be made. Mr. Quincy contended, at great length, that to attack the Canadians would be wanton, senseless, and cruel—that these people and the citizens of the United States had lived in the constant reciprocation of friendly and tender offices—that, as enemies, we had nothing to fear from them—that to grasp at their possessions for the offences of Great Bri-

tain, would be an act worthy only of politicians who worshipped in the temple where Condorcet was priest, and Machiavel, God—that the very feet of our armies was celestial glory in comparison with it—and that the yeomanry of the country would listen to the winding of the horn, that should call them on such an expedition, with as much apathy as they would hear the music of a banjoo or a jews-harp.

To these considerations Mr. Clay replied with great force, and with complete triumph. "Canada," exclaimed he, "innocent! Canada unoffending! Is it not in Canada, that the tomahawk of the savage has been moulded into its death-like form? Has it not been from Canadian magazines, Madden and others, that those supplies have been issued, which nourish and continue the Indian hostilities? Supplies, which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrid excesses and murders? Was it not by the joint co-operation of Canadians and Indians, that a remote American fort, Michilimackinack, was assailed and reduced, while in ignorance of a state of war? What does a state of war present? The united energies of one people arrayed against the combined energies of another—a conflict, in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property, and citizens of the other, subject only to the rules of mitigated war practised by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person must not be attacked, for the learned gentlemen on the other side, are quite familiar with the maxim, that the king can do no wrong. Indeed, I know of no person, on whom we may

make war, upon the principles of the honourable gentleman, but Mr. Stephen, the celebrated author of the Orders in Council, or the board of admiralty, who authorize and regulate the practice of impressment!"

"An honourable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigour, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or Halifax. In such a cause, with the aid of Providence, we must come out crowned with success; but, if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for free trade and seamen's rights."

We have no room for the great body of this speech, nor are we willing to impair the strength and force of the main argument by the exhibition of its disjointed parts. The character of the whole display can best be learned from its effects. These were all-powerful. In giving to congress new energies and a new soul, the speech exerted almost a creative power. The opposition to the war was paralyzed, and became, at once, feeble and inefficient. Bills for raising military forces were passed without a dissenting vote. A noble and enthusiastick feeling was diffused throughout the country. Publick opinion was, far and wide, aroused in favour of the war, and its majestick roar shook down the unconsecrated temples of treason, and bared their secrets to the light of heaven. Patriot answered aloud to patriot—the sentinels of freedom caught up the watch-word—from town to town the signal-fires flashed free—and all things proclaimed, that the spirit of the country was up for glory.

Mr. Clay continued in congress, ministering, on all occasions, to the martial energies of his countrymen, until

January, 1814, when, in consideration of his matchless services, his thorough knowledge of American rights, and the zeal he had shown in their defence, he was appointed one of the commissioners to negotiate a treaty of peace. The official duties which now devolved upon him, required him to resign the speaker's chair. At this time, his influence in the house of representatives was equal to that which he had exercised, some years before, in the legislature of his adopted state. His friends and his enemies agree in the remark, that his power was almost unlimited. His party was a majority in the house, and, so unbounded was the confidence which its members reposed in his wisdom and integrity, that he could sway them by a motion of his hand. Whenever the course of a discussion failed to meet his approbation, he descended from the chair, and, by mingling in the debate, gave, at once, a new character to the proceedings. His resignation was tendered on the sixteenth of January, and accompanied by a beautiful and affecting speech, which touched every heart in the Assembly, and unsealed many a fountain of tears. In the generous feelings of the hour, even the federalists wept freely, that a master-spirit was going out from among them. A resolution, thanking him in servid language for the impartiality with which he had administered the arduous duties of office, was passed almost unanimously—only eight or nine members voting against it. Probably there was no other man in the nation, who, at that stormy period, could have presided with such signal energy over the deliberations of the popular branch of congress, and yet have commanded the approbation of so vast a majority of both political parties.

SECTION THIRD.

THE negotiations for peace, which were commenced toward the close of 1813, had their origin, in a proposition of Alexander, the emperor of Russia, to act as a mediator between the two belligerent powers. Great Britain declined the mediation of the emperor, alleging, that the causes which had led to the declaration of war, involved certain maritime and internal regulations of the British realm, which could not properly be submitted to the arbitrament of any foreign power, but, at the same time, she expressed an entire willingness to negotiate directly with the American Plenipotentiaries, either at London, or any other convenient place, on which the two governments might agree. No objection was made to this proposal, and our commissioners, Henry Clay, John Q. Adams, James A. Bayard, Albert Gallatin, and Jonathan Russell, were directed to proceed to Gottenburg, the place first designated, from whence the negotiation was afterwards transferred to Ghent, where they met the British commissioners, Lord Gambier, Henry Goulburn, and William Adams. At the first interview, the negotiation was opened on the part of the British commissioners, by the expression of an ardent desire for the cessation of hostilities, and an assurance that their government was ready to do every thing consistent with national honour, for the purpose of effecting an object so desirable. Mr. Adams, in behalf of the commissioners of the United States, and the government under which they acted, expressed an entire reciprocation of these sentiments, and a disposition to lay the foundation of peace, upon just and liberal grounds.

The publick are necessarily less familiar with the details of Mr. Clay's services at Ghent, than with the other incidents of his political life; but no one doubts that he carried with him, into the foreign councils of his country, the same high-mindedness and expansion of intellect, that have been with him, like attendant spirits of good, in every visible part of his career. It has been stated, on the highest authority, that, in the verbal discussions which took place between the representatives of the two countries, as well as in those which were confined to the American commissioners, a very conspicuous part was always performed by Mr. Clay. For this he was peculiarly qualified by the exceeding readiness and soundness of his thoughts, the fluency and force with which he imparted them, and the unconquerable array of argument which he could, at all times, call to their support. One of his colleagues, Mr. Adams, had long been a publick man, and, for logical acuteness, and extent and accuracy of diplomatick knowledge, was perhaps never surpassed by any statesman of any age. Another of them, Mr. Gallatin, was a man of great and varied experience and attainments, acute, subtle, and powerful; and a third, Mr. Bayard, had been, during a long course of years, an eminent and eloquent debater in the national legislature; but, without disparaging the well-established fame of either of these gentlemen, we may be allowed to say of Mr. Clay, that he was superiour to them in oral debate, and consequently better fitted to exercise a controlling power over the character of the negotiations.

Plural commissions, constituted for diplomatick service, are most frequently liable to divisions and dissensions among the members. The cause is to be found in the difference of tempers, dispositions, and attainments, and in those jealousies to which most men are too often prone. In the Ghent commission, however, although composed of

an unusual number of members, an extraordinary degree of harmony prevailed. On account of their remoteness from their own country, and the consequent difficulty of free and frequent intercourse with their government, they laboured under a great disadvantage, to which the British commissioners were not exposed. The former were often thrown upon their own responsibility, and this was especially the case, when they decided, at an early stage of the negotiation, to reject the *sine qua non* of the British government—a step which might have led to a rupture of the negotiation, and an indefinite protraction of the war. Great, however, as was their responsibility, they did not shrink from it. The representatives of Great Britain, on the other hand, transmitted every important note which they received from those of the United States, to the British ministry, and obtained, in substance, if not in express terms, the answer which they were to return. Thus the American representatives were treating, in fact, with the whole British ministry. How honourably they acquitted themselves, has been decided by the united voice of Europe and America. Their superiority in the correspondence was admitted in the house of lords. We do not profess to know by whom each of the several state papers addressed by them to the British plenipotentiaries was written, but it would be difficult for any man to read the whole series, without being convinced, that the honourable peace, in which the correspondence resulted, is to be ascribed almost as much to the sagacity and fidelity of our commissioners, as to the bravery of our soldiers, and the memorable exploits of our gallant mariners. In manliness, strength, and classick purity of style, in extent and compass of disquisition, and in richness and felicity of illustration, those papers admit of a favourable comparison with the best political essays in the English language.

It is not within our province, at this time, to dwell at length upon the debates which took place at Ghent on the various differences between the United States and Great Britain. The terms of the peace are generally understood. On one point alone, during the progress of the negotiation, did any serious division arise among the American commissioners, and that related to the fisheries, and the navigation of the Mississippi river. As Mr. Clay was the most prominent man in the discussion, and as the publications, to which it afterwards gave rise, have been the occasion of much popular excitement, it is, perhaps, our duty to give a concise statement of the circumstances under which it occurred.

By the third article of the definitive treaty of peace of 1783, between Great Britain and the United States, it was stipulated by the contracting parties, "that the people of the United States should continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the Gulf of St. Lawrence, and all other places in the sea, where the inhabitants of both countries had used at any time to fish; and also, that the inhabitants of the United States should have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen might use, (but not to dry or cure the same on that island,) and also on the coasts, bays, and creeks of all other of his Britannick majesty's dominions in America; and that the American fishermen should have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same might remain unsettled; but, so soon as the same, or either of them, should be settled, it should not be lawful for the said fishermen to dry or cure fish at such settlement, without

a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

By the eighth article of the same treaty, the parties further contracted, that "the navigation of the river Mississippi, from its source to the ocean, should ever remain free and open to the subjects of Great Britain and the citizens of the United States."

In the treaty of 1794, negotiated by Mr. Jay, it was further stipulated, that the river Mississippi should, according to the previous treaty of peace, be entirely open to both parties; and, "that all the ports and places on its eastern side, to whichsoever of the parties belonging, might be freely resorted to and used by both parties, in as ample a manner as any of the Atlantick ports or places of the United States, or any of the ports or places of his majesty in Great Britain."

At the date of both these treaties, Spain possessed the sovereignty of the entire western side of the Mississippi, from its mouth to its source; and of both sides from its mouth to the thirty-first degree of north latitude. From that point to the source of the river, the residue of the eastern side belonged to the United States, but an erroneous opinion prevailed, that the British territory would include a small portion of the upper part of it, when the line came to be marked from the Lake of the Woods, as provided in the definitive treaty of peace.

The United States and Great Britain, therefore, being regarded as the sovereigns of only a part of one bank of the river, and Spain being the exclusive sovereign of its mouth, a stipulation for its free navigation between the two first-named parties, even allowing them all the territory they claimed, could operate so far only as the contracting parties themselves had a right to give it effect, that is, to the extent of their respective territories border

ng on the river. If they had a right to navigate it within the jurisdiction of Spain, that right could not be founded upon their compact, but upon the laws of nature, which give to nations, who inhabit the banks of the upper part of the river, the right of free access to and from the ocean, although a different nation may be the sovereign of the mouth of the river.

The situation of the United States and Great Britain, at the epoch of the treaty of Ghent, was totally different, both from what it was in fact, and from what it was supposed to be, at the dates of the treaties of 1783 and 1794. Subsequently to this latter period, in 1803, the United States acquired by treaty the province of Louisiana, and, consequently, obtained all the previous rights of Spain in regard to the Mississippi. Further, prior to the treaty of Ghent, it had been ascertained, that the British line, designated in the treaty of 1783, to run from the Lake of the Woods to the Mississippi, would not strike that river at all, but would pass above its source. Thus the United States were, at the period of the treaty of Ghent, the sole and exclusive proprietors of the river Mississippi, from its mouth to its source. It being within their jurisdiction alone, Great Britain had now no more right to demand its free navigation, than she had to demand that of the Hudson, or any other river of the United States.

The American government had been informed prior to the preparation of instructions for the commissioners at Ghent, that Great Britain intended to attempt our exclusion from the fisheries; and the commissioners were instructed not to allow our rights to be brought into discussion. They were further instructed, not to renew the stipulation in Jay's treaty, by which each party was allowed to trade with the Indians inhabiting the territory of the other, nor to grant to the subjects of Great Britain the

right to the navigation of any river exclusively within our jurisdiction.

At an early period of the negotiation at Ghent, the British notified the American commissioners, that they would not agree, without an equivalent, to the renewal of our liberty to catch, and cure, and dry fish, within the British exclusive jurisdiction; but they did not contest our right to fish on the high seas, or the Grand Bank, and other banks of Newfoundland.

When the American commissioners were engaged in preparing the project of a treaty to be offered to the other party, a question, in consequence of the above notification, arose among them, as to what should be proposed in regard to the fisheries. They appear to have been divided on the point, whether the contract in relation to the fisheries, in the treaty of 1783, expired with the breaking out of the war, or whether, from the peculiar nature of that treaty, being one by which an empire was severed, and a new power acknowledged, the stipulation did not survive the war. Mr. Clay, and perhaps all the other commissioners except Mr. Adams, believed that the general rule of the public law applied to the case, and that the stipulation ceased with the declaration of war. Mr. Adams entertained the contrary opinion. All were, of course, desirous that we should not lose any right or liberty which we had enjoyed prior to the commencement of hostilities; and it is clear that, if the stipulation in question survived the war, and was, from its nature, imperishable, no new stipulation was necessary to its validity.

In consequence, probably, of the doubt on this subject, Mr. Gallatin proposed to insert, in the project of a treaty, an article, providing for the renewal, on the one hand, of the rights and liberties to us in the fisheries, and, on the other, of the right to the navigation of the Mississippi

to Great Britain, as had been provided for in the treaty of 1783. To the introduction of such an article Mr. Clay objected, and a long, animated, and anxious discussion ensued, conducted principally by Mr. Gallatin on the one side, and Mr. Clay on the other. It is described by Mr. C. in a letter addressed, in 1822, to Jonathan Russell, one of the commissioners, and since published by the latter, in violation of the confidence (1) in which it was addressed to him.

Finally, upon taking the vote, whether the navigation of the Mississippi should be offered to Great Britain, as an equivalent for the fisheries, Messrs. Adams, Gallatin, and Bayard, were in favour of it, and Messrs. Clay and Russell against it. Upon perceiving the state of the vote, Mr. Clay informed his colleagues, that he felt in candour bound to say to them, that he would affix his signature to no treaty which contained such an offer. After this declaration, Mr. Bayard left the majority; and, uniting with Messrs. Clay and Russell, made a majority against the insertion of the proposed article, and therefore it was not inserted.

The arguments which were urged on this interesting occasion, are no where stated at full length. They can only be gleaned from documents, inferred from the nature of the subject, or ascertained from the testimony of the commissioners themselves.

We have been informed by the friends of the commissioners, that in behalf of the article it was contended, that the Americans ought not to come out of the war with the loss or jeopardy of any right or liberty, that appertained to the nation prior to its commencement; that it was, at least, possible, that such would be the fact, if the treaty

(1) See Appendix.

were silent in regard to the fisheries; that, in such case, a powerful opposition to the general government would be furnished with a plausible pretext for abusing the administration; that the right of navigation of the Mississippi, the contemplated equivalent to the British for the grant to us of a right in the fisheries within their exclusive jurisdiction, was one which had not been, and could not be, used to our prejudice; that the instructions from our government not to let our right to the fisheries be brought into discussion, related generally to the whole affair of the fisheries, without discriminating between those which existed on the high seas, and those within the British exclusive jurisdiction; and that, if the American government had received the notification which had been given to the American commissioners, respecting the exercise of the fishing liberty within the British jurisdiction, authority would probably have been given for the article proposed.

Mr. Clay insisted, on the other side, that, as the Mississippi was exclusively within our jurisdiction, the article could not be proposed without a positive violation of the instructions of government; that, if the government had been acquainted with the notification given to the American commissioners, it was by no means certain, but highly improbable, that authority would have been given to renew the privilege of navigating the Mississippi, in consideration of the renewal of our right to the fisheries; that there was no connexion between the Mississippi and the fisheries—none in the treaty of 1783—none in their nature—and they were as remote from each other in their local situation, as they were distinct in their nature; that, if Great Britain had not, prior to that period, availed herself of the stipulation in the treaties of 1783 and 1794, it might have been because of the obstacles presented by Spain, who had denied the United States the right of na-

vigation until the year 1795, and shortly afterward interrupted it; that, from the period of 1803, when, by the treaty of Louisiana, we acquired the incontestable right to the navigation, our relations with Great Britain had been, during a great part of the time, such as not to admit of her enjoying it; that the right to navigate the Mississippi, would give Great Britain free access to the Indians of the north-west; and we know, by past experience, that she might exert an influence over them, to annoy and harass our frontiers; that it was wrong to select, from all the rivers of the United States, the noblest, and to subject it, altogether within our limits, to conditions from which all others are free; that the United States, now, by the acquisition of Louisiana, stood on grounds totally different from those which they occupied in 1783 and 1794; that, as Great Britain was now known to have no territory bordering on the river, she could have no pretence for asking its navigation, which would not apply to the Potowmack or any other American river, and she could not ask it but for unfriendly or improper purposes; that the people of the west had always been justly sensitive to whatever related to the navigation of the Mississippi, and would regard the proposed article as an unnecessary sacrifice of a paramount interest of theirs, for an object with which it had no sort of connexion; that the liberty of fishing *within the British jurisdiction* in question, was restricted and contingent—our fishermen not being at liberty to cure and dry fish on the island of Newfoundland, or on the unsettled bays, harbours, and creeks of Nova-Scotia, Magdalen islands, and Labrador, except so long as they remained unsettled, without the permission of the inhabitants; and that it was best for the commissioners to conform to instructions, and depend on future negotiation.

It has been already stated, that a majority, by the ac-

cession of Mr. Bayard, decided not to offer the proposed article. In lieu of it, they adopted the following clause in their note to the British commissioners, prepared and proposed by Mr. Clay :

"In answer to the declaration made by the British plenipotentiaries, respecting the fisheries, the undersigned, referring to what passed in the conference of the 8th of August, can only state, that they are not authorized to bring into discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the treaty of 1783, by which they were recognized, no further stipulation has been deemed necessary by the government of the United States, to entitle them to the full enjoyment of all of them."

Subsequently, the British commissioners returned their counter project of a treaty, among the articles of which was one proposing to renew to the British nation the right to navigate the Mississippi, without any equivalent. Upon consideration of this article by the American commissioners, the question arose, what answer should be given to it. Mr. Clay proposed that it should be stricken out, and not made a part of the treaty; but the same majority which had been originally in favour of coupling the fisheries and the navigation of the Mississippi together, were again in favour of accepting the British article, with the condition that there should be a renewal of all our rights and liberties in the fisheries, as they existed by the treaty of 1783. Mr. Clay having previously announced his settled purpose to subscribe no treaty which should comprehend such an article, did not repeat the annunciation of his unalterable determination, lest it should be understood as a menace. Upon the proposition of the article, with its modification, the British commissioners declined

accepting it; and it was then concluded to abstain from inserting any article in the treaty, in respect either to the fisheries, or the navigation of the Mississippi.

Thus was the father of rivers forever, it is to be hoped, released from all foreign incumbrance in respect to navigation; whilst, on the other hand, by a treaty with Great Britain, concluded in 1818, the American right to the fisheries was satisfactorily secured. In this, as in almost every other instance, time has demonstrated the wisdom of the policy insisted on by Mr. Clay. Although the success of that policy was owing less to the co-operation of his colleagues than to the obstinacy of the British plenipotentiaries, his merit in defending it is not to be undervalued on that account. The views which were taken by him in 1814, are now the views of the American people. The importance to our country of the exclusive navigation of the Mississippi, is, at present, properly appreciated; and we may safely say, that its navigation could not now be obtained by Great Britain, in exchange for the most valuable privilege in her gift. It should be recorded, in honour of Mr. Clay's liberality of feeling, that although a majority of the commissioners had been opposed to him on the subject of the Mississippi, he did ample justice to the purity of their motives, in a speech which he delivered in Congress, during the session of 1815—16.

The negotiation of the treaty of Ghent may be safely pronounced one of the most successful in the history of our foreign relations. It was concluded at a time when the whole power of Britain was directed against us—a power which had wrestled single handed with half the nations of Europe. The star of Napoleon had gone down, not, indeed, forever—but to rise only with that sickly and ominous glare which was quenched on the plains of Belgium. The ambition which had threatened

England with irresistible invasion, was no longer to be dreaded; and our country was left to contend with the colossal strength of an enemy, which had torn the diadem from the brow of the hero of Austerlitz, and shaken asunder the confederation of the Rhine. Under such circumstances it was, in truth, a responsible and an unwelcome task, to negotiate a treaty of peace and amity with the commissioners of Great Britain. But the result has proved, that this task, difficult as it may have been, was wisely and faithfully executed. The honour of our country was preserved;—the objects for which we had contended were secured by the general spirit, if not by the letter of the treaty; and the clamours of faction were hushed into silence, by the honourable termination of a struggle, which had been denounced as the certain precursor of our downfall.

It is to be regretted, that a controversy of an unpleasant nature should have since arisen between two of the distinguished commissioners of the United States, in reference to this treaty. We shall enter upon the subject of this controversy only so far as it relates to Mr. Clay.

On the day after the signing of the treaty of Ghent, our commissioners wrote a joint letter to the Secretary of State, explanatory of the course they had taken during the latter part of the negotiation; and containing a concise and summary narrative of the proceedings of the mission in relation to the fisheries and the navigation of the Mississippi. That part of the letter which referred to the offer of the navigation, was made to read, as an offer by a *majority* only of the American mission. The word "*majority*" was inserted through the agency of Mr. Russell, at the desire of Mr. Clay. In a letter of the same date, to the Secretary, Mr. Russel acknowledged that he was in the minority on that question, and reserved to him-

self the power of stating his reasons for differing from his colleagues. These reasons were given by him in a letter, written at a subsequent period.

At the ratification of the treaty of peace, only a part of the correspondence of the negotiators was given to the publick. The rest remained safely locked up in the archives of the government, until the spring of 1822, when a call was made for it by the house of representatives, and soon after for the letter of Mr. Russell, where he assigned his reasons for differing from the majority of his colleagues on the subject above mentioned. In answer to this latter call, the president, in his message to the house, stated that no letter or communication of that description was on file in the state department, but that he had found one among his own papers. Prior to this discovery, Mr. Russell delivered to the secretary of state a document, purporting to be the duplicate of the one found among the private papers of the president. Both of these letters were transmitted to the house, together with some remarks from Mr. Adams, explanatory of the views of a majority of the negotiators, and in vindication of their conduct. To this Mr. Russell replied, through the columns of a public paper; and in turn called out Mr. Adams, through a similar medium. The disputants were severe upon each other; but neither the conduct nor the motives of Mr. Clay were impeached by either. Both seemed to consider that he had acted well the part which his country had assigned him. Some errors, however, into which Mr. Adams had fallen, relative to the part which Mr. Clay had taken, in regard to the navigation of the Mississippi and the fisheries, were alluded to by the latter in a brief note, published in the Washington Intelligencer, in 1822. In this note, Mr. Clay declares himself unwilling, at a time so unpropitious to calm and dispassionate investigation, to

enter into the particulars of the Ghent negotiation, and stated, that under such circumstances he would not even be provoked into a controversy with either of his late colleagues. He intimated, however, that at a season better suited to deliberation and reflection, he would give his views to the publick.

We have been informed by the intimate friends of Mr. Clay, that he considers the partial pledge given by him to the publick, to have been redeemed by the unauthorized publication, in the autumn of 1828, of his private correspondence with Mr. Russell. In that correspondence, Mr. Clay states, with a characteristic frankness, the views he entertained at Ghent, of the nature of the treaty of peace of 1783 with Great Britain, and of the effects produced upon the stipulations of that treaty, by a declaration of war. He speaks of the discussions among the American commissioners, respecting the fisheries, and the navigation of the river Mississippi, and of the part taken by him in those discussions. But although differing from a majority of the mission on some points, especially from Mr Adams, he no where impugns the integrity, the honesty, or patriotism of their motives.

PART THIRD.

SECTION FIRST.

ON the return of Mr. Clay to America, after the discharge of his important mission, he was every where received with the liveliest demonstrations of gratitude. In Kentucky, in particular, the tide of feeling in his favour was high and irresistible. Even before his arrival, he was unanimously elected a member of congress from the district he had formerly represented. But some doubts arising as to the legality of his election, while absent from the country, a new one was ordered, which resulted in a similar expression of the popular will. At the commencement of the next session of congress, he was elected speaker of the house by an almost unanimous vote.

Although the return of peace had brought gladness to almost every bosom, and had been hailed by illuminations, bonfires, and thanksgivings, yet a high and an important duty remained to be performed by the representatives of the nation. The publick credit was impaired—the circulating medium disordered—the paper currency depreciated—a large debt was to be liquidated. A multitude of laws, which had been passed during the embargo, non-intercourse, and war, were to be repealed, and new ones enacted, better suited to the change in our national condition. The army and the navy were to be regulated by a proper peace establishment. In addition, new interests had risen up, which loudly called for governmental protection. Our relative situation was changed. The pacification of all Europe, by the prostration of the power of Napoleon, had left the nations at liberty to cultivate the arts of peace, and call forth their own internal resources. We could no longer enjoy the carrying trade without competition, or

supply the markets of the whole world with the rich and varied productions of our soil.

Such was the condition of our affairs at the meeting of the memorable congress of 1815—16. The first business that invited its attention was the restoration of the national currency to a sound condition. Various projects had been recommended, but none of them had been carried into effect, or if carried into effect, had failed to produce the desired result. At the opening of the session, Mr. Madison, in his message, called the attention of congress to this subject, and suggested to their consideration the propriety of establishing a bank. The sad experience of four years, had convinced him and many of his distinguished political coadjutors, that our currency could never be kept in a healthy state, or our publick revenue collected and disbursed with facility, without the assistance of such an institution. The subject was referred to its appropriate committee; and in January, 1816, Mr. Calhoun, the chairman of that committee, reported a bill for the establishment of a national bank.

Mr. Clay, while a member of the senate, in 1814, had opposed the re-chartering of the old bank, for reasons which have already been assigned; but this did not prevent him from giving an active support to the bill before the house. His reasons for opposition in the one case, and for support in the other, must be obvious to every man acquainted with our political history.

In 1811, seven tenths of the capital of the old bank was owned by the inhabitants of England, and by members of the federal party. It was natural, therefore, that the republican party should look with distrust upon a measure, that was mainly to benefit Englishmen, and those who had the reputation of being the friends of Englishmen. The subject came up for discussion and deliberation at a

most difficult crisis. It was during the time of our commercial restrictions, when the leaders of the federal party had made it a fixed principle of action to oppose every measure of the government, and apologize for every act of British aggression, however oppressive to our commerce—however destructive to the liberties and lives of our citizens. To recharter the bank was a federal measure, and would place a vast engine of power in federal hands. It shared the unpopularity of the party which had brought it into existence, and sustained its operations.

In 1816 the times had changed, and men, in a measure, had changed with them. At the return of peace, the cause of party division were removed, and our legislators had nothing to do but to unite in a common cause—the promotion of the prosperity and happiness of the Union.

During the war, the different state legislatures, governed by a shortsighted policy, had created a multitude of banking corporations, with power to issue their bills to an almost unlimited amount, without being under any compulsion to redeem those bills by specie payment. In the course of a few years, they had increased the paper currency of the country from ninety to two hundred millions of dollars. This, connected with a suspension of specie payments, occasioned a great depreciation in the value of the circulating medium—impaired both public and private credit, and almost arrested the fiscal operations of the general government. Relative rights were destroyed; and the constitution was virtually violated in that article, which provides for a uniformity of taxation throughout the United States. For there could be no uniformity in this particular, so long as the relative value of bank notes differed in various places more than twenty per cent. on the dollar. In this state of our affairs, it was evidently the duty of congress to exercise its constitu-

tional powers, for the restoration of the currency of the country to a healthy condition. This was done; and by means of the bank of the United States, a circulating medium has been established, preferable to that of gold and silver.

When the bill for the establishment of the bank was before the committee of the whole house, Mr. Clay delivered at length his sentiments in favour of its principles and its details. His speech was elaborate and argumentative, and its effect was deeply felt.

For the course which Mr. C. took on this occasion, he has been charged with inconsistency. His friends admit that experience has changed his opinions in relation to the necessity of a bank; but, with this admission, they couple the proud fact, that there is no other instance in the whole history of his life, where he has changed his opinions on an important subject. His ingenuousness is evinced by his having changed *once*, but his firmness by his having done so *but once*. And what was it that wrought this single revolution in his sentiments? A mighty event, whose consequences could be learned only from experience—the occurrence of a war with Great Britain, which changed not only his views of the policy of a bank, but those of almost every other leading politician in the country. In 1811, Mr. C. showed, conclusively, that the existence of a bank was not then necessary to carry into effect any of the enumerated powers and objects of the general government; and neither he, nor any other man, without the gift of prophecy, could have foretold that it would ever be necessary. But four years after it *was* necessary; not only to the exercise of the specifick powers of government, but apparently to the preservation of the government itself.

It is worthy of remark, that the new bank was estab-

blished on a very different foundation from that of the old one. Many of the dangers incident to the operations of the latter were, at Mr. Clay's suggestion, carefully guarded against, in the charter of its successor. Foreigners are still permitted to be stockholders in the bank; but they are not allowed to vote in relation to the management of its concerns; and the dangers of foreign influence are thus annihilated.

Much other important business was transacted during this and the succeeding session of congress, in which Mr. Clay took a prominent and an active part. During the discussions of the tariff question, he was the firmest and most efficient friend of domestick industry in congress. Although, at this time, no one thought of denying the constitutionality of a tariff, or the necessity of protecting domestick industry from the paralyzing effects of foreign competition; still, in amending or supporting the details of the tariff law of 1816, Mr. Clay found occasion for the steady exertion of his talents and his discretion. Upon this subject we shall speak more particularly hereafter.

The session of 1816—17 is also famous for the passage of the compensation bill, changing the per diem allowance of the members of congress to a yearly salary. This law created an excitement of no ordinary magnitude in almost all parts of the Union; and by voting for, or defending it, more than one member of the national legislature signed his political death-warrant.

In consequence of his vote on this bill, and his course in regard to the United States bank, Mr. Clay found it expedient to offer to his constituents an explanation of his motives and conduct. It was a triumphant justification. An incipient opposition, which had been created against him, was crushed into feebleness. The confidence of the high-minded electors of his district, which had been sha-

ken, but not destroyed, returned with new strength to one who had, for so long a period, proved himself worthy of its possession. He was again returned to congress, to add new glories to the American name, to establish our independence upon a firmer and more durable basis, and to bear off from the arena of intellectual contention new trophies of victory.

SECTION SECOND.

WE have now arrived at one of the most important periods in the eventful life of Mr. Clay. It is that in which he contended so nobly for the cause of human liberty;—when, striving to usher the Southern Republics into the great family of nations, he stood up before his countrymen like an apostle, commissioned by Freedom to welcome her new votaries to the reward of their labours and their sacrifices. The glory which he won by the discharge of that commission, is imperishable as liberty itself. It will rise freshly above his grave, and grow greener with the lapse of centuries.

The exultation which pervaded all parts of the country, when it was known that the inhabitants of South America had rent asunder the chains of colonial servitude, and, like their brethren of the north, had proclaimed themselves "free, sovereign, and independent," is yet freshly remembered. The event was hailed as a glorious omen of the influence of our own great struggle,—as the first fair promise of a redemption of the nations from the heraldom of ancient tyranny. The beautiful sun of rational liberty, which, for a time, shone over the despotism of France, had gone down in blood. But in the situation of the republicks of the south, there was yet hope for the ardent friends of self-government. The power of old Spain had been cloven down upon a hundred battle fields; and from the Gulf of Mexico to the southern borders of Chili, the people were rejoicing over the broken fetters of that colonial bondage which, for three hundred years, had monopolized their treasure and their resources—blasted the green beauty of a climate rich with nature's blessings,

and robbed their earth of its wealth of gold and diamonds. It is no marvel that the sympathies of the people of the United States should be called forth in favour of the patriots of South America. They were contending in the same cause—they were asserting the same rights for which our fathers, on the plains of Cinden, and on the heights of Charlestown, poured out their best blood with a prodigality like that of the autumnal rain. They were struggling, too, with a foe, whose atrocities and barbarities outrivalled those of the enemy over which our fathers triumphed. Spain had carried on the war with her insurgent colonies in a spirit of demoniac vengeance. The aged patriot, the unoffending female, and the infant at the bosom of its mother, had been offered up in one indiscriminate sacrifice. Her armies had manifested a barbarity unheard of in the annals of crime. The temples of religion had been polluted; and the gray hairs of the priests had been drenched in blood at the very foot of the altar. Cities had been pillaged and consumed, while their inhabitants of one sex had been massacred, the armed and the unarmed together—and those of the other had been given over to the licentious passions of a brutal soldiery. Wherever the enemy had moved over the beautiful provinces of La Plata, desolation had been left behind them, as if the earth itself had been scorched and blackened by the fiery tread of demons.

The republican feelings of Henry Clay would not allow him to contemplate such a scene without emotion. He watched the movements of the struggling patriots with anxiety, yet with entire confidence in their ultimate success. He suffered no appropriate opportunity to pass, without publicly bearing witness to the lively interest he felt in their cause. At the session of congress of 1816—17, he made such allusions to their situation, as called up in opposition, the uncourteous and vituperative spirit of

Mr. Randolph. At another time, when the house of representatives was debating the propriety of passing a bill "to prevent our citizens from selling vessels of war to the subjects of a foreign power," Mr. C. opposed the measure, because of its evident bearing upon the condition of our South American brethren.

"It is impossible," said he, "for us to deceive ourselves, as to the true character of the bill before the house. Bestow upon it what denomination you will—disguise it as you may—it will be understood by the world as a law to discountenance any aid being given to the South American patriots, now in a state of revolution against the parent country. With respect to the nature of that struggle, I have not now, for the first time, to express my opinion and wishes. I wish them independence. It is the first step towards improving their condition. Let them have a free government, if they are capable of enjoying it. At any rate, let them have independence.—Yes, from the inmost recesses of my soul, I wish them independence. In this I may be accused of imprudence, in the utterance of my feelings on this occasion;—I care not, when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbours, our brethren, occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves."

In the summer of 1817, the president of the United States appointed Messrs. Rodney, Graham, and Bland, commissioners to proceed to South America, for the purpose of ascertaining the condition of the country, the character of the people, and their ability for self-government.

In March, 1818, the bill making appropriations for the support of government for that year, being before the house of representatives, Mr. Clay objected to the clause

appropriating the sum of thirty thousand dollars for compensation to the commissioners above mentioned. His objections were grounded on the evident impolicy of the appointment, and the unconstitutionality of the appropriation.

After some discussion, on motion of Mr. Lowndes, the appropriation was passed by for the time, in order to obtain some additional information relative to it, which Mr. Clay had demanded in his previous remarks. The item was no sooner disposed of, than Mr. Clay rose, and made his motion to insert a provision in the bill, *appropriating the sum of eighteen thousand dollars, as the outfit and one year's salary of a minister, to be deputed from the United States to the independent provinces of the river La Plata, in South America.*

Mr. Clay followed up his motion by a long and able speech. He placed, in the clearest light, the condition of the South American provinces, and urged, with an eloquence which, in a less cautious assembly, would have kindled in every bosom the flame of his own sublime enthusiasm, the adoption of a measure, which, with prophetick intelligence, he foresaw would add new glory to our republick, and strengthen the hands, and animate the hearts of men, wrestling with tyranny even unto death.

He commenced by expressing his regrets at finding himself differing from many highly esteemed friends, for whom he entertained the greatest respect. This had led him to subject his own convictions to the severest scrutiny; but all his reflections conducted him to the same clear result. If he erred in this result, there was some consolation in knowing, that he erred on the side of liberty, and the happiness of the human family.

He wished to correct all misconceptions in relation to his opinions. He was averse from war. He would give no just cause of war to any power—not to Spain herself,

though she had given us abundant cause. But it was not every cause of war that should lead to war. War was one of those dreadful scourges which so shakes the foundation of society, overturns or changes the character of government, interrupts or destroys the pursuits of private happiness, brings misery and wretchedness in so many frightful forms, and is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms.

He contemplated the great struggle that was going on in South America;—took a view of the immense resources of the country—its extent—its scenery—the number of governments that would probably spring into existence, to claim a rank among the nations. He alluded to the policy of Spain towards her colonies, from their first settlement down to the transactions of Bayonne, in 1808, when the Spanish king abdicated his throne, and became a volunteer captive. From that time, he contended, the colonies were released from their obligations of allegiance, and had a right to provide for themselves—allegiance being founded on the duty of protection. “But,” continued Mr. Clay, “I take a broader, bolder position. I maintain that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. We must, therefore, pass sentence of condemnation upon the founders of our liberty;—say that they were rebels, traitors—and that we are, at this moment, legislating without competent powers—before we can condemn the cause of Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little;—we had, in some respects, been kindly treated;—but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of

oppressive acts that was to follow. They rose—they boasted the storm—they conquered, and left us the glorious legacy of freedom. Spanish America, for centuries, has been doomed to the practical effects of an odious tyranny. If we were justified, *she* is more than justified."

Mr. Clay said he was no propagandist. He wished not to force our principles where they were not wanted. But, if an abused and an oppressed people *will* their freedom—if they sought to establish an independent government—if they had established one—we had the right, as a sovereign power, to notice the fact, and act as circumstances and our interests required. He thought, if the South Americans were entitled to succeed from the justness of their cause, we had no less reason to wish it from the atrocious character of the war which was waged against them. We had a deep interest in recognizing them as independent nations. It concerned our commerce, our navigation, our politics. Whenever their independence is established, they must have American feelings—they must obey the laws of the new world. This makes the acknowledgement of their independence of the first consideration.

After rebutting the charges of ignorance and inability for self-government, which had been often urged against the people of Spanish America, Mr. Clay proceeded to examine that of superstition. The magnificent bursting forth of eloquence at this point, is equalled only by the noble and generous feeling which it manifests. Would to God that such a feeling pervaded every bosom.

"With regard to their superstition, they worship the same God that we worship. Their prayers are offered up in their temples to the same Redeemer, from whose intercession we ourselves expect salvation. There is nothing in the Catholic religion unfavourable to freedom. All religions, united with government, are more or less

inimical to liberty. All, separated from government, are compatible with liberty. If the people of Spanish America have not gone as far in religious toleration as we have, the difference in their condition and ours must not be forgotten. Every thing is progressive. In time they will imitate our example. But, grant that the people of Spanish America are ignorant and incompetent for free government, to whom is that ignorance to be ascribed? Is it not the execrable system of Spain, which she seeks again to establish and perpetuate? This, so far from chilling our hearts, ought to increase our solicitude for our unfortunate brethren. It should animate us to desire the redemption of the minds, as well as the bodies, of unborn millions, from the brutifying effects of a system, whose tendency is to stifle the faculties of the soul, and to degrade man to the level of the beasts that perish. I invoke the spirits of our departed fathers! Was it for yourselves alone that you nobly fought? No, no. It was the chains that were forging for your posterity, that made you fly to arms, and, scattering the elements of those chains to the winds, you transmitted to us the rich inheritance of liberty."

After alluding to the immense advantage our country would derive from a commerce with the South American states, Mr. Clay proceeded to show that a recognition of their independence was compatible with the most pacific relations—with a rigid neutrality—provided we furnished them with none of the means of carrying on their belligerent operations against old Spain. His reasoning on this point is forcible and conclusive. "Recognition alone," said he, "without aid, is no just cause of war. With aid, it is; not because of the recognition, but because of the aid, as aid without recognition is cause of war. The truth of these propositions is maintained by the practice of other states, and by the usage of our own. There is

no common tribunal among the nations to pronounce upon the fact of the sovereignty of a new state. Each power must and does judge for itself. It is an attribute of sovereignty so to judge. A nation, in exerting this uncontested right—in pronouncing upon the independence, in fact, of a new state, takes no part in the war. It gives neither men, nor money, nor ships. It merely pronounces, that in so far as it may be necessary to institute any relations, the new state is capable of maintaining those relations, and authorizing that intercourse."

"When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognized by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe into the family of nations. It is true, that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give, and did give, to Holland.

"In the case of our own revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us—a treaty, by which she guaranteed our independence, that England declared war. Holland also was charged by England with favouring our cause, and deviating from the line of strict neutrality. And when it was perceived that she was, moreover, about to enter into a treaty with us, England declared war. Even if it can be shown that a proud, haughty, and powerful nation, like England, has made war upon other provinces on the ground of a mere recognition, the single example cannot alter the publick law, or shake the strength of a clear principle."

"But what has been our uniform practice? We have constantly proceeded on the principle, that the government *de facto* is that which we alone can notice. Whatever form of government any society of people adopt,—

whoever they acknowledge as their sovereign, we consider that government, or that sovereign, as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favour of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine. So far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own revolution stands on the basis of the right of a people to change their rulers. I do not maintain that every immature revolution—every usurper, before his power is consolidated, is to be acknowledged by us—but that as soon as stability and order are maintained, no matter by whom, we always have considered, and ought to consider, the *actual* as the *true* government.

"If, then, there be an established government in Spanish America, deserving to rank among the nations, we are morally and politically bound to acknowledge it, unless we renounce all the principles which should guide, and which have hitherto guided our councils." Mr. Clay then adverted to the limits, the population, navy, army, the system of finance, and the many undertakings for the advancement of the general prosperity in the republick of the United Provinces of the Rio de la Plata, to show that it was a government of such a character as ought to be admitted into the family of nations. There were, it was not to be concealed, difficulties and commotions there. "And what state," said he, "passing through the agitations of a great revolution, is free from them? We had our tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, attempted to be shaken in the great father of our liberties. Within the immense extent of the territories of La Plata, not a Spanish bayonet remains to contest the authority of the actual government. It is free—it is independent—it is sovereign. It manages the interests of

the society that submits to its sway. It is capable of maintaining the relations between that society and other nations."

"Are we not bound, then, upon our own principles, to acknowledge this new republick? If we do not, who will? Are we to expect that kings will set us the example of acknowledging the only republick on earth except our own? We receive promptly a minister from whatever king sends one. From the great powers and the little powers we accredit ministers. We do more. We hasten to reciprocate the compliment; and, anxious to manifest our gratitude for royal civility, we send, for a minister of the lowest grade, one of the highest rank recognized by our laws. We are the natural head of the great American family. I would not intermeddle in the affairs of Europe. We wisely keep aloof from their broils. I would not even intermeddle in the affairs of South America, further than to exert the incontestable rights appertaining to us, as a free, sovereign, and independent power; and I contend, that the accrediting of a minister from the new republick is such a right. We are bound to receive their minister, if we mean to be really neutral. If the royal belligerent is represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party will be in the condition of the poor patriots, who were tried *ex parte* the other day, in the Supreme Court, without counsel, without friends. Give the Spanish minister his *conge*, or receive the republican minister. Unless you do this, your neutrality is nominal."

The situation of the South American provinces, ever in 1818, justified this bold stand in their favour on the part of Mr. Clay. The United Provinces of the Rio de la Plata, embraced a territory equal to that of the United States, exclusive of Louisiana. Its population was about three millions, more than equal in numbers to our own at

the out-breaking of our revolution. That population was hardy, enterprising, and brave. At different periods of their history, Montevideo and Buenos Ayres had resisted successfully the attacks of the fleets and armies of more than half the nations of Europe. In 1807, the powerful British force which, under the command of Gen. Whitlock, had entered Buenos Ayres in the guise of friendship, was defeated and driven out by its native and unaided force, on the discovery of the inimical designs of the English general. Buenos Ayres had, in fact, enjoyed independence for nearly eight years. Even as early as 1811, when the regency of old Spain made war upon Buenos Ayres, its army was overthrown, and a surrender was made to the patriots at Montevideo, similar to that of Burgoyne at Saratoga. The government of La Plata, in 1818, had three powerful armies to maintain its independence; one in Peru, another in Chili, and a third in Buenos Ayres. The affairs of that government were regularly administered. Its finances had been placed upon a respectable footing. Its naval force had become formidable enough to wrestle with that of Spain upon the ocean. It had completely baffled the efforts of Ferdinand, whose army of thirteen thousand veterans, the choice troops whose valour had made them terrible in the wars of the Peninsula, had been nearly annihilated in its attempt to subjugate the United Provinces.

Mr. C. next proceeded to inquire into the consequence of a recognition of the new republick. "Will it involve us in a war with Spain? I have shown, I trust, successfully shown, that it will give to Spain no just cause of war. Will the allies interfere?" He showed that it was not in their interests to make war upon us. Russia, awing from the dread of her vast power, was seeking to encompass the Sublime Porte, and, constituting herself the *Kraken* of the ocean, was anxious to lave her enormous sides in

the genial waters of the Mediterranean. France, striving to extend her commerce, and augment her marine, was too deeply interested in having South America independent, to be made to subserve either the pride, or the interests of the Bourbon family. England, despised on the continent, her maritime power viewed with jealousy, her commerce subjected to the most onerous restrictions, was restrained by her interests from declaring war against us. To her, the commerce of America was worth more than the commerce of the residue of the world. She had aimed at the reduction of the Spanish power in America for two centuries. No danger, therefore, was to be apprehended from her, unless she reversed all the maxims of her illustrious statesmen, and extinguished the spirit of commerce, which, at that time, animated and controlled all her movements.

The lapse of a few years has proved the correctness of the views, entertained by Mr. Clay, in relation to the course which would be pursued by the nations of Europe. He foresaw that these nations would never wage war against our government, for exercising rights held in common with every independent state. He knew that there was a sure guaranty of the continuance of peace, so long as their interests did not directly suffer from the acts of our government;—that nations had become too selfish to be excited once more by the ravings of a hermit, or called into the battle field in defence of the almost repudiated doctrine of the divine authority of monarchs. He knew, too, that the object which had united the powers of Europe, had been consummated by the overthrow of the French emperor, and that they were no longer bound together in one common cause, the preservation of their endangered thrones. Thus viewing the affairs of the nations of the old world, he felt himself justified in asserting, that no foreign power would interfere with our go-

vernment, although its acts should elevate the provinces of South America to the rank and dignity of republicks.

It had been intimated, that Mr. Clay's proposition was an infringement upon the duties assigned to the executive department. The constitution confides to the president the reception and deputation of ministers, and to the representative body the power of providing for the payment of their salaries. It was, therefore, a question, whether the deputation of a minister by the executive, ought to precede the act of the legislative power, making provision for his salary. On this subject, Mr. Clay said, "he felt the greatest solicitude; for no man more than himself respected the preservation of the independence of the several departments of government, in the constitutional orbits which were prescribed to them. It was his favourite maxim, that each, acting within its proper sphere, should move with its constitutional independence, and under its constitutional responsibility, without influence from any other." Mr. Clay, however, thought, that when the acts of the two powers were not simultaneous, there was more reason in favour of the priority of the legislative act, as the safe depository of power. In the latter case, while it left the executive to act without constraint, it removed from the legislative body the delicate and unpleasant duty of refusing to pay the salaries of those officers, whose appointments might be deemed unnecessary.

"If it be urged," said Mr. Clay, "that by avowing our willingness, in a legislative act, to pay a minister not yet sent, and whom the president may think it impossible to send abroad, we operate upon the president by all the force of our opinion; it may be retorted, that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the president's opinion. The true theory of our government, at least, supposes that each of the two departments, acting

on its proper constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our own responsibility, and the president afterwards will proceed upon his ;—and so if he make the previous appointment. We have a right, after a minister is sent abroad, and we are called upon to pay him, and we ought to deliberate upon the propriety of his missions, we may and ought to grant or withhold his salary. If this power of deliberation is conceded subsequent to the deputation of the minister, it must exist prior to that deputation. Whenever we so deliberate, we deliberate upon our constitutional responsibility. Pass the amendment proposed, and it will be passed under that responsibility. Then the president, when he deliberates on the propriety of the mission, will act under his constitutional responsibility. Each branch of the government, moving in its proper sphere, will act with as much freedom from the influence of the other as is practically allowable.

“There is great reason, from the peculiar character of the American government, in there being a perfect understanding between the legislative and executive branches, in relation to the acknowledgement of a new power. Every where else, the power of declaring war resides with the executive. Here it is deposited with the legislature. If, contrary to my opinion, there be even a risk that the acknowledgement of a new state will lead to war, it is advisable that the step should not be taken without a previous knowledge of the will of the war making branch. I am disposed to give to the president all the confidence which he must derive from the unequivocal expression of our will. This expression may be given in the form of an abstract resolution, declaratory of that will; but I prefer, at this time, proposing an act of practical legislation.”

Notwithstanding the variety and comprehensiveness of Mr. C.'s arguments, and the power and vehemence with which he enforced them, his opponents would not be convinced; but, after taking time to array their strength, made a vigorous attack upon his positions. Their object was to show, that the South American states, if independent, would become the commercial rivals of our own country; that our recognition of their independence would be likely to involve us in a disastrous war either with Spain or the members of the Holy Alliance; that the states themselves would never thank us for it; and that it was our wisest policy to attend to the management of our own concerns, and let all other governments, whether republican or monarchical, take care of themselves.

Mr. C.'s final reply, though never reported, is spoken of as having been triumphant. His antagonists were prostrated on all sides of him, as if his every word had been an electrick flash, and, in his most impassioned moments, he seemed to rule the heart by the vehement motions of his arm, as with a rod of iron. Never was there a greater contrast than between the sordid and timorous policy recommended by his opponents, and his own sublime and expansive views. Their wish was to make our country a selfish and an isolated power; but it was his aim to render her the glorious centre of a beautiful and harmonious system. He seemed a great Apostle of Liberty, sometimes directing his accusing and desolating eloquence against the spirit of tyranny, and then interceding for an unhappy and struggling nation, with a pathos as deep and moving as that of the ancient patriarch, when pleading face to face with the Most High, for mercy upon the cities of the plain. All would not avail. Congress, Levied by Mr. Monroe, was opposed to the recognition of South

American independence, and, after a long struggle, Mr. Clay's resolution was rejected.

The orator had been little accustomed to defeat, but he heard the decision of the house with unshaken firmness. He felt that his cause was just and righteous, and worthy of his continued exertions, and he did not, for one moment, resign the hope of ultimately achieving the great object for which he had striven. He knew his adequacy to the work which he had appointed to himself to do.

The subject of sending a minister to South America again came up for consideration in 1820. The contest had not yet closed between Spain and the repubicks of Spanish America, but the latter, with various success, were still fighting desperately for the maintenance of their freedom. The patriot Clay saw them stretching out their hands imploringly to our country, and begging to be recognized as among the nations—he had learned the extent of their gratitude for the active sympathy he had already manifested in their fate—and determined to stand up again and plead their cause before the representatives of the union. The motion for their recognition was made by himself, and he defended it, as in 1818, in one of his noblest and most eloquent appeals.

"The house has been asked, and asked with a triumph worthy of a better cause—why recognize this republick? Where is the use of it? And is it possible, that gentlemen can see no use in recognizing this republick? For what has she fought? To be admitted into the family of nations. 'Tell the nations of the world,' says Pueyrredon, in his speech, 'that we already belong to their illustrious rank.' What would be the powerful consequence of a recognition of their claim? I ask my honourable revolutionary friend before me, with what anxious solicitude, during our revolution, he and his glorious compatriots

turned their eyes to Europe, and asked to be recognized. I ask him, the patriot of '76, how the heart rebounded with joy on the information, that France had recognized us. The moral influence of such a recognition on the patriot of the South will be irresistible. He will derive assurance from it, of his not having fought in vain. In the constitution of our natures, there is a point to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and, in hopeless despair, losing all stimulus to exertion. And is there not reason to fear such a fate to the patriots of the South? Already enjoying independence for eight years, their ministers are yet spurned from the courts of Europe, and rejected by the government of a sister republick. Contrast this conduct of ours with our conduct in other respects. No matter whence the minister comes, be it from a despotic power, we receive him: and, even now, one of my honourable opponents would have us send a minister to Constantinople, to beg a passage through the Dardanelles to the Black Sea. He who can see no advantage to the country from opening to its commerce the measureless resources of South America, would send a minister begging to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into effect, for sending a minister to the Porte. Yes, sir, from Constantinople or from the Brazils; from Turk or Christian; from black or white; from the Dey of Algiers or the Bey of Tunis; from the devil himself, if he wore a crown, we should receive a minister. We even paid the expenses of the minister of his sublime highness, the Bey of Tunis, and thought ourselves highly honoured

by his visit. But let the minister come from a poor republick, and we turn our back on him. No, sir, we will not receive him. The brilliant costumes of the ministers of the royal governments are seen glistening in the circles of our drawing rooms, and their splendid equipages rolling through the avenues of the metropolis: but the unaccredited minister of the republick, if he visit our president or secretary of state at all, must do it *incog.*, lest the eye of Don Onis should be offended by so unseemly a sight. I appeal to the powerful effect of moral causes, manifested in the case of the French revolution, when, by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up the colossal power of Europe."

The debate on Mr. C.'s resolution was continued two or three weeks, during which period the mover taxed his intellectual resources and his physical strength to their utmost. His triumph was as complete as his aim had been glorious. The independence of South America was recognized. The effect of this act in pouring a new ardour into the hearts of the southern republicks, and reinvigoring their arms with thunder, is already a matter of record, and, at present, needs no commentary. That effect, whatever it may have been, is to be traced home to the influence of Mr. Clay, who, by a perseverance unsurpassed in any hero either of history or romance, procured the recognition of the republicks, in opposition to the combined influence of a popular and powerful administration; a triumph over misconception and prejudice, too glorious to be forgotten. (2)

In every land, there are thousands of patriots, whose holiest sympathies are always excited by a contest for free-

(2) See Appendix.

dom, in whatever part of the world it may take place; but the man who, like Henry Clay, has had not only the inclination, but the opportunity, to take a group of sister republics by the hand, unclose to them the temple of Independence, and show them its glories and its mysteries, may well consider himself no less fortunate than patriotick. Such deeds, it is true, may, for the moment, attract less of the world's admiring gaze, than a victory like that of Borodino or Waterloo. The array, the shout, the onset, the blood, the groan, the shivered diadem—these are matters which the most vulgar minds can at once appreciate—or they address themselves to the senses, and their effects are palpable and immediate. The great moral and intellectual achievements of our world are of a different nature. Their control is comparatively unseen by ordinary eyes, even though all the high places of the land may be rocking and fro beneath their influence, as with the heavings of great earthquake; but, in their effects, they become a portion of the common fortunes of humanity—a mighty wave in that great current of events, which will flow onward, onward, onward, till the ancient pillars of despotism, that have been vainly imagined by kings to have their undation in the centre of the earth, shall be swept down and float off like common wrecks upon the returnless tide. thousands of lofty spirits, whose very names, like their perishing clay, have perchance gone down to the dust, the still living upon earth, in the control which their strong, though invisible energies, have entailed upon their fellow men—still dwelling and acting among us in their opitious and glorious influences.

Here we cannot resist the temptation of transmitting to our pages an eloquent tribute accorded to Mr. Clay for his South American services, by one of the greatest men of the age. Mr. Forsyth, of Georgia, the earliest and most

violent opposer of the recognition of the southern republics, made a severe allusion, in 1825, to the influence which Mr. C. had exerted in their behalf. Mr. Webster, of Massachusetts, vindicated the great patriot in the following language:

"Pains have been taken to prove, that the whole policy of our government respecting South America, is the unhappy result of the influence of a gentleman formerly filling the chair of this house. To make out this, reference has been made to certain speeches of that gentleman delivered here. He is charged with having become himself affected, at an early day, with 'the South American fever,' and with having infused its baneful influence into the whole councils of the country. If, sir, it be true, that that gentleman, prompted by an ardent love of civil liberty, felt, earlier than others, a proper sympathy for the struggling colonies of South America; or that, acting on the maxim, that revolutions do not go backward, he had the sagacity to foresee, earlier than others, the successful termination of those struggles; if, thus feeling and thus perceiving, it fell to him to lead the willing or unwilling councils of his country in her manifestations of kindness to the new government, and in her seasonable recognition of her independence; if it be this, which the honourable member imputes to him—if it be by this course of publick conduct, that he has identified his own name with the cause of South American liberty—he ought to be esteemed one of the most fortunate men of the age. If all this be as is now represented, he has acquired fame enough. It is enough for any man thus to have connected himself with the greatest events of the age in which he lives, and to have been foremost in measures which reflect high honour on his country in the judgement of mankind. Sir, it

is always with great reluctance, that I am drawn to speak, in my place here, of individuals; but I could not forbear what I have now said, when I hear in the house of representatives, and in the land of free spirits, that it is made matter of imputation and of reproach, to have been first to reach forth the hand of welcome and of succour to newborn nations, struggling to obtain and to enjoy the blessings of liberty."

Mr. Clay's anxiety for the permanent liberty and prosperity of the South American states, has never lost any portion of its intensity. Amid all the civil changes that have been wrought in these countries, he has looked steadily forward to the ultimate consummation of his earliest hopes, and contributed to it by every means in his power. His letter to Bolivar, under date of October 27th, 1828, is strong and beautiful illustration of his feelings. It was written in reply to the following communication from Bolivar.

" BOGOTA, 21st Nov. 1827.

"SIR,—I cannot omit availing myself of the opportunity afforded me by the departure of Col. Watts, Charge d'Affaires of the United States, of taking the liberty to address your excellency. This desire has long been entertained by me, for the purpose of expressing my admiration of your excellency's brilliant talents and ardent love of liberty. All America, Colombia, and myself, owe your excellency our purest gratitude for the incomparable services you have rendered to us, by sustaining our cause with a sublime enthusiasm. Accept, therefore, this sincere and cordial testimony, which I hasten to offer to your excellency, and to the government of the United States, who have so greatly contributed to the emancipation of our southern brethren.

‘ I have the honour to offer to your excellency my distinguished consideration.

“ Your excellency’s obedient servant,

“ BOLIVAR.”

The following is an extract from Mr. Clay’s reply:—

“ WASHINGTON, 27th Oct. 1828.

“ SIR,—It is very gratifying to me to be assured directly by your excellency, that the course which the government of the United States took on this memorable occasion, and my humble efforts, have excited the gratitude and commanded the approbation of your excellency. I am persuaded, that I do not misinterpret the feelings of the people of the United States, as I certainly express my own, in saying, that the interest which was inspired in this country by the arduous struggles of South America, arose principally from the hope, that, along with its independence, would be established free institutions, insuring all the blessings of civil liberty. To the accomplishment of that object we still anxiously look. We are aware, that great difficulties oppose it, among which not the least is that which arises out of the existence of a large military force, raised for the purpose of resisting the power of Spain. Standing armies, organized with the most patriotic intentions, are dangerous instruments. They devour the substance; debauch the morals, and too often destroy the liberties of a people. Nothing can be more perilous or unwise than to retain them after the necessity has ceased, which led to their formation, especially if their numbers are disproportionate to the revenues of the state.

“ But, notwithstanding all these difficulties, we had fondly cherished, and still indulge the hope, that South America would add a new triumph to the cause of human liberty; and, that Providence would bless her, as He had her northern sister, with the genius of some great and vir-

tuous man, to conduct her securely through all her trials. We had even flattered ourselves, that we beheld that genius in your excellency. But I should be unworthy of the consideration with which your excellency honours me, and deviate from the frankness which I have ever endeavoured to practise, if I did not, on this occasion, state, that ambitious designs have been attributed by your enemies to your excellency, which have created in my mind great solicitude. They have cited late events in Colombia, as proofs of these designs. But, slow in the withdrawal of confidence, which I have once given, I have been most unwilling to credit the unfavourable accounts which have, from time to time, reached me. I cannot allow myself to believe, that your excellency will abandon the bright and glorious path which lies plainly before you, for the bloody road passing over the liberties of the human race, on which the vulgar crowd of tyrants and military despots have so often trodden. I will not doubt, that your excellency will, in due time, render a satisfactory explanation to Colombia and to the world, of the parts of your public conduct which have excited any distrust; and that, referring the true glory of our immortal Washington to the ignoble shame of the destroyers of liberty, you have formed the patriotick resolution of ultimately placing the freedom of Colombia upon a firm and sure foundation. That your efforts to that end may be crowned with complete success, I most fervently pray.

"I request that your excellency will accept assurances of my sincere wishes for your happiness and prosperity.

"H. CLAY."

SECTION THIRD.

IN March, 1818, the same month and year in which Mr. Clay made his first great speech on the subject of South American Independence, he also put forth his first memorable effort in behalf of that system, of which he is the acknowledged founder and head—the system of internal improvements. He had before, on several occasions, both in congress and the legislature of his own state, been the zealous advocate of measures, in which the principle of internal improvements was involved; but, previous to 1818, there was no speech of his on record, to which the friends of the principle could appeal with confidence, as a triumphant vindication of their sentiments.

During the war, and for a short time subsequent to it, the condition of our funds had not been such as to warrant the construction of roads, canals, and other national conveniences, to any great extent; but the expenditures of the country were now less considerable, and the attention of our statesmen began to be directed to the consideration of the best mode of appropriating the surplus revenue.

It was the opinion of Mr. Jefferson, as expressed in one of his messages to congress, that, under the constitution, roads and canals could not be constructed by the general government, without the consent of the state or states through which they were to pass.

At the opening of the congressional session of 1816—17, Mr. Madison, in his message to the two houses, made use of the following language: "I particularly invite again the attention of congress to the expediency of *exercising their existing powers*, and, where necessary, of resorting

to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity." In pursuance of this recommendation, congress, a short time before its adjournment, passed a bill, appropriating for purposes of Internal Improvement, the bonus, which was to be paid to the general government by the bank of the United States. The bill was sent to the President for his signature, on the last day but one of the session. Strictly conformable as were its provisions to the sentiments of his own message, a rumour was soon spread, that he designed to return it to the house with his veto. Mr. Clay, on hearing this rumour, immediately addressed him in a private letter, urging him not to reject the bill, but rather, if he could not conscientiously sign it, to leave the whole matter to be acted on by his successor, Mr. Monroe, who was to be inaugurated on the following day. Mr. Madison thought it his duty to act in opposition to Mr. C.'s advice, and, on the third of March, sent back the bonus bill without his signature, and stated his convictions in a short but rather able message, that Internal Improvements were not within the constitutional power of the government.

Unless conjecture is extremely at fault, Mr. Monroe, previous to seeing Mr. Madison's veto message, had prepared his own inaugural address, recommending, in strong and unqualified terms, a general system of Internal Improvement. On reading Mr. Madison's document, his resolution misgave him. Actuated by a timorous policy, and, perhaps half convinced by Mr. M's reasonings, he interpolated, among his own remarks, a phrase utterly and awkwardly at variance with their general import, in

order that he might seem to agree with his predecessor. The impulse, thus accidentally given to his sentiments, determined, in a great measure, their permanent direction. In his message, at the opening of the session of congress of 1817—18, he again alluded to the subject, stating, that he had bestowed upon it all the attention which its great importance and a just sense of duty required, and that the result of his deliberations was a settled conviction, that the power of making Internal Improvements was not vested in congress, and could be conferred only by an amendment of the constitution.

From these facts, it is apparent that Mr. Clay's speech of March, 1818, in vindication of the constitutionality of Internal Improvements, was made under circumstances of intense interest. It was relied on by the friends of the system as their last great struggle. Three national executives had decided against them; and nothing was now wanting, but a decision of congress, to put their hopes finally to rest. It was in vain to anticipate an amendment of the constitution. Such a measure could not have been effected but by a greater majority of congress than was to be hoped for, in a matter, which had been the subject of so much doubt and disputation.

The resolution, which was discussed in the house, declared, that congress had power, under the constitution, to appropriate money for the construction of military roads, post-roads, and canals.

Mr. Clay, after giving a strong impulse to the debate, left it to be conducted by others for several days, and, when, at last, he rose to express his sentiments, he began by apologizing to the members of the house for troubling them with his remarks, wearied, as he knew them to be, by the inordinate length of the discussion. Like a keen adept in the science of human nature, he essayed to soften

the prejudices, that were entertained against his principles, by paying a just and eloquent compliment to the honesty and intelligence of the distinguished men, whose opinions he felt bound to controvert, and by showing, that the authority, which he considered as vested in congress, was not fraught with those dangers to the community, that his opponents had habitually ascribed to it. The power, which he claimed for the government, he represented as neither more nor less than that of diffusing intelligence, affluence, and happiness, throughout the nation — the power of twining still more closely the silver cords of Union around the whole of our mighty and almost limitless territory. He warned his hearers to remember, that, if the constitutional powers of congress were destroyed, the government itself would dissolve, from the want of cohesion, and relapse into the debility, which existed under the old confederation, as certainly as the planets would "wander darkling in the eternal space," if the sun were blotted from the heavens.

That part of the present debate, which related to the rules to be observed in the construction of the constitution, bore a strong resemblance to what we have already noticed as having been said on the same subject in 1811 and 1815, when the question of a national bank was under consideration. Mr. Clay held, that, under the constitution, government might exercise any power, which was either expressly granted by that instrument, or impliable from an express grant. The soundness of this rule was acknowledged by his opponents. The only difference between him and them, was in their different modes of *applying* the rule. They argued, that no power could be considered as implied by the constitution, unless it was *directly and absolutely indispensable* to the operation of a specifick grant; and he, on the other hand, contended, that

every power was impliable, which appeared "*necessary and proper*" to the exercise of constitutional rights, although its necessity might not be strictly *absolute*. Of course, he was charged with looseness of doctrine. Because he asserted, that congress, in deciding upon its own powers, must be governed, to a certain extent, by its own judgement, he was denounced as the advocate of the law of discretion—the unlimited law of tyrants. He retorted, however, upon his opponents with great force. "You assert, that a power cannot be implied without an absolute necessity. But who is to define that absolute necessity, and then to apply it?—Who is to be the judge?—Where is the security against transcending that limit?—The rule you contend for has no greater security than that insisted upon by us. It equally leads to the same discretion, a sound discretion, exercised under all the responsibility of a solemn oath, of a regard to our fair fame, of a knowledge that we are ourselves the subjects of those laws which we pass, and, lastly, of the rights of the people to resist insupportable tyranny."

Having settled his rules of construction, Mr. Clay proceeded to examine the constitution in detail, for the purpose of demonstrating the existence of a power in congress to construct such works of internal improvement as were contemplated in the resolution before the house. The power to "establish post-roads" is given by the constitution expressly; but the opposers of Internal Improvements insisted, that the right to "*establish*" post-roads did not imply a right to *make* them, but only to designate those already made, which were to be used in the conveyance of the mail. This interpretation Mr. Clay showed to be absurd. It is obvious that the framers of the constitution designed, by the disputed phrase, to convey to congress a certain definite power in relation to post-roads; but the

power to designate such roads existed in congress *under the old articles of confederation*, and hence could not be identical with the power, which was afterwards conferred.

The constitution gives to congress the power to make war, and Mr. Clay insisted, that there was so direct and intimate a relation between this power and the power of constructing military roads and canals, that the one necessarily implied the other. He argued, that the convention which formed the constitution, had in vain confided to the general government the authority to declare war, and to employ the whole physical means of the country to bring it to a successful termination, unless, at the same time, the government derived, by implication, the power to transport these means wherever they might be wanted—a measure which, in many instances, it would be impossible to carry into effect, but by the construction of canals and military roads. He illustrated his position by appealing to well-known facts. He showed, that many of our greatest misfortunes, during the late war with Great Britain, might have been prevented, many valuable lives saved, and an immense property preserved from destruction, had not the want of roads and canals rendered it impracticable for our armies to pass with celerity from one point to another. The experience of other countries was adduced to strengthen the conclusions drawn from that of our own. The orator justly remarked, that it was by the instruction of these magnificent military roads, which are, even now, among the wonders of Europe, that the old Romans rendered themselves, for centuries, the masters of the world, and diffused law, liberty, and intelligence, around them. It was the doctrine of Mr. Clay, that a chain of roads and canals, together with a small military establishment for keeping up our more important fortresses, constit-

tuted that species of preparation for war, which it was the right and the duty of the general government to provide in a season of peace. His opponents, at length, conceded, that military roads might be made, when called for by an *emergency*. "This," said Mr. Clay, "is a concession, that the constitution conveys the *power* to make them; and we may safely appeal to the judgement of the candid and enlightened, to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it—and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency."

Mr. Clay's opponents rallied finally in defence of the position, that, if works of Internal Improvement were left by the government to the enterprise of individuals, they would always be executed, from motives of private interest, as early as the condition of society required them. Mr. C. admitted, that such might generally be the case in old countries, where there was a great accumulation of capital, and consequently a low rate of interest; but he asserted, and proved to the satisfaction of every one, that, in a new country like ours, the general good of the community might often require publick works long before there would be, in the hands of individuals, the capital requisite for their construction. He showed, moreover, that the aggregate of all the advantages that would be likely to result to the publick from any given work, might be such as to warrant the undertaking, and yet these advantages be diffused among different classes of men so entirely separated by distance and occupation as to be unable to act in concert. The Delaware and Chesapeake canal, and the turnpike roads over the Alleghany mountains, are works

of this description. Mr. C. said, with truth, that the capitalist, who should invest money in one of these improvements, would probably receive less than three per cent. profit, while, at the same time, the community, taken in all its branches, was receiving an annual profit of fifteen or twenty per cent. at least. "The benefit resulting from a turnpike road, made by private associations, is divided between the capitalist, who receives his tolls, the lands through which it passes, and which are augmented in their value, and the commodities, whose value is enhanced by the diminished expense of transportation. A combination upon any terms, much more a just combination, of all these interests to effect the improvement, is impracticable. And if you await the arrival of the period, when the tolls alone can produce a competent dividend, it is evident, that you will have to suspend its execution, until long after the general interests of society would have authorized it." Mr. C. showed, in the progress of his argument, that there were certain great works of internal improvement, to which the resources of state were as inadequate as those of private capitalists. He instanced the improvement of the navigation of the Mississippi. "In this great object," said he, "twelve states and two territories are, in different degrees, interested. It is an object, which can be effected only by a confederacy. And here is existing that confederacy, and no other can lawfully exist; for the constitution prohibits the states, immediately interested, from entering into any treaty or compact with each other."

Mr. C.'s commentary upon Mr. Monroe's message, although perfectly respectful and courteous, was fraught with a species of severity, which must have fallen ungratefully upon the feelings of that high functionary; for it was the severity of truth and unanswerable argument. Mr. M. had denied, in his message, the constitutional power

of the government to make roads or canals; but this denial was *at war with his own acts*; and Mr. Clay thought, that the acts of any man, however high his station, were infinitely more intelligible than mere paper sentiments or declarations. The President, in a tour through the United States during the summer of 1817, had ordered a road to be cut or repaired from near Plattsburgh, in the state of New-York, to the river St. Lawrence. He did this in a time of profound peace, without consulting the state of New-York, and relied on congress to sanction the act by an appropriation. Upon his own responsibility, he had ordered similar improvements in other parts of the United States. "And is it come to this," said Mr. Clay, "that there are to be two rules of construction for the constitution—one an enlarged rule, for the executive, and another a restricted rule, for the legislature? Is it already to be held, that, according to the genius and nature of our constitution, powers of this kind may be safely entrusted to the executive, but, when attempted to be exercised by the legislature, are so alarming and dangerous, that a war with all the allied powers would be less terrible, and, that the nation should clothe itself straightway in sackcloth and ashes? No, sir, if the power belongs by implication to the chief magistrate, it is placed, both by implication and express grant, in the hands of congress."

In attempting a concise sketch of Mr. Clay's speech, we have perhaps given some faint idea of his arguments, but it is impossible to convey an image of the eloquence, with which they were enforced; we can paint the shaft, but not the eagle plumie, that winged it on its lightning courses. The speech, taken as a whole, is one of the strongest constitutional arguments on record. There is no sacrifice to ornament in any part of it, and yet it is continually bursting out into those high flashes of enthusiasm,

which evince, that the orator felt vividly the importance of the great system, whose title to life or death was now to be sealed by the issue of his exertions. His peroration was surpassingly impressive, and calculated, when pronounced in his peculiarly deep and powerful tones, to make the blood go thrilling through the veins, like a shout of victory.

Mr. Clay carried his motion by a majority of ninety to eighty-five. This triumph, achieved as it was, not only over the opinions of two illustrious ex-presidents, but over the most active struggles of Mr. Monroe and the whole administration party, was one of the most splendid events in parliamentary history. Mr. C. was not, as in the cause of South American independence, even temporarily bas- ed by the tremendous power of the executive. He dashed it back, as if it were but a rushing wave and he a giant rock.

It was on this occasion, that Mr. Clay laid deep the foundation of a universal system of Internal Improvements, and he did not leave his task undone. Let our readers consult the records of the subsequent sessions of congress, and they will see, that, from year to year, he returned to his work, oftentimes in defiance of the most powerful obstacles, and carried it on with an energy, which was equally a stranger to wearinesss and defeat. We well remember—what his enemies as well as friends will be prompt to acknowledge—that the whole fabrick of Internal Improvements was erected by himself; that he “heaved its pillars, one by one,” and guarded it against all the assaults of the administration.

The specific measure of Internal Improvement, to which, for the most part, he confined his labours, from the session of 1818 to that of 1824, was the continuation of the Cumberland road. That stupendous work stands, an eternal

memorial of his eloquence and perseverance. With the labour of an intellectual Hercules, he stretched it out, league by league. It ascended not a hill, it crossed not a river, but by the impulse which it received from him. Nor are those, who are enjoying the benefits of his labours, unmindful of their benefactor. Upon the Cumberland road stands a large and beautiful monument of stone, surmounted by the Genius of Liberty, and inscribed with the name of "HENRY CLAY."

The last congressional speech that was made by Mr. C. in relation to Internal Improvements, he pronounced on the 16th of January, 1824, upon a bill authorizing the president of the United States to effect certain surveys and estimates of roads and canals. Mr. Monroe had opposed the great champion of Internal Improvements till tired of defeat, and, in his message at the opening of the session of 1824—5, he so far yielded what he supposed to be the point in controversy, as to acknowledge, that Congress had a constitutional power to appropriate money for roads, canals, and other national conveniences, but still denied, that it had the power to *carry into effect* the objects for which its appropriations were made. It now devolved on the enemies of Mr. Clay's system to make their own last effort against him, and, to this end, they marshalled their diminished ranks coolly and deliberately. Many of them are remembered to have declared, that, if they were now defeated, they should consider the system of Internal Improvements as definitively established by competent authority, and accord to it ever afterwards their steady and cheerful support.

Mr. Clay was assailed, on this occasion, by high and low, but, in the selection of his antagonists, he paid his first respects to the President. Notwithstanding the obvious disposition of Mr. Monroe, to effect a compromise be-

tween himself and Mr. C., the latter considered his sentiments no less objectionable than before, and bore them down as if they had been but rushes beneath his feet. It will be recollectcd, that, in 1818, Mr. Monroe's party claimed, that in respect to post-roads, the general government had no other authority than to use such as had been previously established by the states. They claimed, that to repair such roads was not within the governmental powers. Mr. M. now gave his direct sanction to this doctrine, and added, that the states were at full liberty to alter, to change, and, of course, to shut up post-roads at pleasure. "Is it possible," said Mr. Clay, "that this construction of the constitution can be correct—a construction, which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operation *by a county court in any one of twenty-four state sovereignties?* Suppose a state, no longer having occasion to use a post-road for its own separate and peculiar purposes, withdraws all care and attention from its preservation. Can the state be compelled to repair it?—No!—Then, may not the general government repair this road, which is abandoned by the state power?—And may it not protect and defend that which it has thus repaired, and which there is no longer an interest or inclination in the state to protect and defend? Is it contended, that a road may exist in the statute book, which the state will not, and the general government cannot, repair and improve? What sort of an account should we render to the people of the United States, if the execution of the high trust confided, for their benefit, to us, if we were to tell them, that we had failed to execute it, because a state would not make a road for us? The same clause of the constitution which authorizes congress to 'establish post-roads,' authorizes it also to 'establish post-offices.' Will

it be contended, that congress, in the exercise of the power to ‘establish post-offices,’ can do no more than adopt or designate some pre-existing office, erected and kept in repair by state authority? There is none such. It may, then, fix, build, create, and repair offices of its own, and its power over the post-roads is, by the constitution, equally extensive.”

Mr. Clay’s opponents, especially Mr. Barber, of Virginia, made a vigorous attempt to sustain Mr. Monroe, by pretending, that the jurisdiction which Mr. C. claimed for congress over post-roads, furnished a just occasion for serious alarm to the state authorities. “The jurisdiction,” said Mr. Clay, in reply, “which is claimed for the general government, is that only which relates to the necessary defence, protection, and preservation of the road. Whatever does not relate to the existence and protection of the road, remains with the state. Murders, trespasses, contracts, all the occurrences and transactions of society upon the road, not affecting its actual existence, will fall within the jurisdiction of the civil or criminal tribunals of the state, as if the road had never been brought into existence. How much remains to the state! How little is claimed for the general government!—Is it possible that a jurisdiction so limited, so harmless, so unambitious, can be regarded as seriously alarming to the sovereignty of the states! Mails certainly imply roads, roads imply their own preservation, their preservation implies the power to preserve them, and the constitution tells us, in express terms, that we shall establish the one and the other.”

Mr. Clay’s argument, in defence of the constitutional right of the government to cut canals, was more striking and conclusive, than that which he had used on the same subject in 1818. He placed the matter in a light entirely new. He had before attempted to show, that the govern-

ment derived the right of making canals from its authority to declare and prosecute war; and he now argued, that it derived the same right from its authority to regulate domestic commerce. "Congress," said he, "has power to regulate commerce with foreign nations and among the several states. Precisely the same measure of power, which is granted in the one case, is conferred in the other. Suppose, instead of directing the legislation of this government, constantly, as heretofore, to the object of foreign commerce, to the utter neglect of the interior commerce among the several states, the fact had been reversed, and now, for the first time, we were about to legislate for our foreign trade: should we not, in that case, hear all the constitutional objections made to the erection of buoys, beacons, light-houses, the surveys of coasts, and the other numerous facilities accorded to the foreign trade, which we now hear to the making of roads and canals? Two years ago, a sea-wall, or, in other words, a *marine canal*, was authorized by an act of congress, in New-Hampshire; and many of those voted for it, who have now constitutional scruples on this bill. Yes, any thing, every thing, may be done for foreign commerce; any thing, every thing, on the margin of the ocean; but nothing for domestick trade—nothing for the great interior of the country. Yet the equity and the beneficence of the constitution equally comprehend both. The gentlemen do, indeed, maintain, that there is a difference as to the character of the facilities in the two cases. But I put it to their own candour, whether the only difference is not that which springs from the nature of the two elements on which the two species of commerce are conducted—the difference between land and water. The principle is the same, whether you promote commerce by opening for it an artificial channel where now there is none, or by increasing the ease or safety with

which it may be conducted through a natural channel, which the bounty of Providence has bestowed. In the one case, your object is to facilitate arrival and departure from the ocean to the land; in the other, it is to accomplish the same object from the land to the ocean. Physical obstacles may be greater in the one case than in the other, but the moral, or constitutional power, equally includes both."

The majority by which Mr. C. prevailed in the final vote, was far beyond his own expectation. His majority in 1818 was less than twenty, but it went on increasing, from year to year, and now it was such as to show the inutility of protracted opposition to the cause of Internal Improvements; at least, during Mr. C.'s stay in congress. Its enemies were disarmed. Not a few of them had the magnanimity to unite in support of the system, which they had before felt it their duty to assail; and there seemed no further obstacle to such an application of the wealth and energies of the Republick, as, in the lapse of time, should make our territory the Paradise of the world. Obstacles have since arisen; but we trust in God, that the majestic work of years—bullded up by energies so unfailing in their perseverance and so sublime in their might—will not be lightly prostrated.

There are few men of the present age, the renown of whose whole lives might not be wisely exchanged for the empyrean flame of glory, that is to rest upon the name of "CLAY," for his exertions in the single cause of Internal Improvements. What are the specifick results, to which those exertions are to lead?—The computation is scarce within the capacity of a human intellect. The desert will blossom as the rose, and new streams will start into being, as at the voice of Omnipotence, bearing wealth and beauty upon their tide, ministering to the noble commerce of mind, and,

our whole country will, as it were, be created anew, with greater powers and enlarged capacities.

From such sources is to spring a portion of the fame of Henry Clay. Not simply inscribed upon an obelisk, that may crumble away into common earth, but graven upon his country's mightiest plains, cut through her solid mountains, and notched in her everlasting rocks, his name will live, a glory and a benison for ever.

SECTION FOURTH.

THE subject of the famous Seminole War was discussed in congress, in January, 1817. The events of that war have been so thoroughly investigated, and kept so constantly before the public, that there is no necessity for our giving them in very minute detail.

At the breaking out of the conflict between the United States and Great Britain, in 1813, the majority of the Seminoles took part with the latter power, but a portion of them continued friendly to us. The injury done us by the nation was certainly very considerable, and such as to call for a prompt and efficient remedy. General Andrew Jackson was accordingly sent against them, at the head of an effective military force; and, in a short time, they were so completely reduced by famine and the sword, as to be unable to make further resistance. Under these circumstances, a part of them sued for peace; and a treaty was drawn up at Fort Jackson, in August, 1814. By this treaty, the American general subjected the miserable natives to terms more odious and tyrannical, than even the Goths and Vandals, who passed, like a flight of locusts, over the hills and valleys of Europe, blasting every green thing, were ever known to impose upon a conquered people. Although the condition of the Indians was so pitiable, that our people were absolutely required to save them from starvation by gratuitous supplies of bread; although they were bending down before us as humbly and as helplessly as they could have knelt before their God—the chieftain-conqueror, forgetting, perhaps, the eternal principles of

justice and mercy in the intensity of his patriotism, refused to grant them peace, unless they would yield a large portion of their territory, convey to the United States important powers and privileges over the remainder, and surrender into his hands the prophets of their nation. A treaty to this effect was signed by all those chiefs, who had been friendly to our country; but it has been asserted, that not one of the hostile chiefs, who, with their followers, constituted at least two thirds of the nation, affixed his mark to the instrument.

It will not be thought surprising, that, after the date of this nominal peace, occasional acts of hostility continued to be perpetrated on our frontier by individuals of the Seminole nation. We know not, indeed, that these acts were at all reprehensible. In a letter from ten of the Seminole towns to the commanding officer of Fort Hawkins, under date of September 11th, 1817, it was stated, with every appearance of honesty and good faith, that, from the day of the treaty of Fort Jackson up to that time, not a single white man had been killed by them, but in revenge for the wanton murder of an Indian. The governor of Georgia, who was acquainted with all the facts, expressed his opinion that the Seminoles were not in fault. Even if they designed, by their occasional deeds of violence, to manifest their determination of not abiding by the treaty of Fort Jackson, it seems to us, that their conduct was not wholly unjustifiable. As that treaty had been signed by only one third of the chiefs, we may well question, whether its provisions could, by any possible construction, be considered obligatory on the nation; and, if they could not, the Seminoles had a right to demand, that, instead of holding their territory, we should extend to them the benefit of the ninth article of the treaty of Ghent, whereby we had bound ourselves to grant peace to all the Indians,

with whom we might be at war at the time of the ratification of the said treaty, and to restore them their conquered lands. And besides: even admitting, that the treaty of Fort Jackson was as valid as it could have been rendered by the signatures of all the chiefs, still its whole character was so grossly and manifestly oppressive, that the poor Indians who were the victims of it, had, if we mistake not, a right, under the immutable laws of nature, to rise at the first opportunity, and redceme themselves from vassalage. A people may sometimes be reduced by war to such an extremity of wretchedness, as to be willing to yield their property and their liberties for the sake of a temporary peace; but, if their conqueror avails himself of their prostration, to demand every thing, which, in the depth of their misery, they will consent to grant, he may rest assured, that, as soon as the first feeling of strength comes over them, they will, with one accord, shiver their fetters into fragments, and rush again to battle.

These facts and reasonings are suggested to show, that, although it may have been our duty to quell the hostilities which took place after the treaty of Fort Jackson, we ought not, in doing this, to have treated the wretched Indians as outlaws, but rather to have conducted toward them with all the lenity that was consistent with promptitude and efficiency of action. But what was our course? General Jackson, who had once subdued the natives and ground them and their wigwams to the dust, was sent again to attack them; and the atrocities which he displayed toward them in this second war, as well as the contempt which he showed for the rights of neutral powers, have no parallel in our military annals.

The high-handed and lawless measures of General Jackson during the campaign, were well calculated to alarm the friends of the constitution. Accordingly, a

series of resolutions was offered to congress at the session of 1818-19, expressing, in decided though respectful language, a disapprobation of the chieftain's conduct, and proposing a legislative provision against the occurrence of farther outrages of the same description.

Grateful for General Jackson's military services, and, perhaps, dazzled by the brilliancy of his immortal victory at New-Orleans on the 8th of January, 1815, the President and his cabinet were strongly disposed to overlook his errors; and every effort was made to prevent the passage of the resolutions before congress. Indeed, it required no little moral courage, at that day, to come forward as the publick accuser of Andrew Jackson; and any thing that might be said against him, seemed likely to be lost in the whirlwind of huzzas, which was sweeping wildly over the land. Of all the great men in congress, Mr. Clay alone appeared able to appreciate the empty shouts of the multitude, and to turn a calm and searching look upon the flashing pageantry of military glory. He had a light within his own soul—the immortal light of patriotism and of intellect—with which he had been too long familiar to be dazzled and bewildered by the pomp and glitter of heroick renown. He had been the personal friend of General Jackson; he had rejoiced, with a patriot's enthusiasm, in the deeds of the chieftain, so long as they were restrained within the limits of legal authority; but now he stood forth to vindicate the majesty of the constitution, in defiance of whatever might oppose him. It was "not that he loved Cæsar less, but that he loved his country more."

One of the measures of General Jackson, which Mr. Clay reprobated in his speech before congress, was *the massacre of Indian prisoners*. The general's first step in the campaign had been to decoy the Seminole chiefs into

his camp by the stratagem of a *false flag*, and to hang them, like dogs, upon the first tree. Not content with this offering to vengeance, he afterwards put to death prisoners of the humblest rank, with a cold-bloodedness which might have led a spectator to imagine, that the American army, while annihilating every other vestige of the aborigines, was determined to take up and perpetuate their peculiar spirit of atrocity—the only relick saved from the ruins of a mighty people. Mr. C. claimed, that this barbarity of Jackson was wholly wanton and gratuitous; that it could have no possible tendency to intimidate the Indian tribes, who, it is well understood, never trouble themselves about the fate of an enemy's prisoners; that the only motive for it must have been an open and undisguised spirit of revenge; and, that it was directly opposed to what had been the usage of the American heroes, no one of whom was ever known to treat an unarmed captive, whether coming from the courts of Europe or from the western forests, but with forbearance and humanity. He insisted that, as the practice of extending mercy to Indian prisoners had uniformly prevailed from the earliest æra of our history, it was a portion of the common law of the land, and no military commander, however high in station or renowned in exploit, was at liberty to disregard it. The following remarks are beautiful and forcible.

"When did this humane custom, by which, in consideration of Indian ignorance and our enlightened condition the rigours of war were mitigated, begin?—At a time when we were weak and they were comparatively strong—when they were the lords of the soil, and we were seeking to gain an asylum among them. And when is it proposed to change this custom—to substitute for it the bloody maxims of barbarous ages, and to interpolate the

Indian publick law with revolting cruelties? At a time, when the situation of the two parties is totally changed—when we are powerful and they are weak—at a time, when, to use a figure drawn from their own sublime eloquence, the great wave, which has flowed in from the Atlantick ocean, has driven back the poor children of the forest almost to the base of the Rocky mountains, and, overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the Mammoth of the New World!—Yes, sir, it is at this auspicious period of our country, when we hold a proud and losty station among the nations of the earth, that we are called upon to sanction a departure from the established laws and usages, which have regulated our Indian hostilities. And do gentlemen think, in this august body, this enlightened assembly of Christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity?"

Another lawless measure, which Mr. Clay discussed at considerable length, was General Jackson's treatment of Messrs. Arbuthnot and Ambrister, two Englishmen, who had been trading with the Seminoles, and who, in the course of the campaign, fell into the hands of the American army. Ambrister was taken in the Indian camp, and was suspected of having led the savages to battle; but Arbuthnot was seized within the limits of a neutral territory, and was charged with no other crime than that of informing the Indians, that the treaty of Ghent gave them a right to their lost territory, and advising them to recover it, if necessary, by force of arms. General Jackson gave orders, that both the prisoners should be tried by a court martial. The court sentenced them to death, but, upon a

re-consideration of the testimony, revoked the sentence of Ambrister, and decided, that he should merely be punished with fifty stripes. The General, however, *not choosing to abide by the decision of the tribunal, to which he himself had voluntarily referred the fate of his prisoners, caused both of them to be executed without delay.* In his report to government, he stated, that the prisoners had been "*legally convicted, legally condemned, and justly executed.*" God forgive him. The whole *legality*, at least of Arbuthnot's execution, consisted in the caprice of General Jackson, and his reckless defiance of the proceedings of court.

Mr. Clay proved the chieftain's conduct in this affair so entirely wrong, and so grossly at war with the first principles of law and justice, that every honest and unprejudiced man in the house of representatives must have yielded at once to conviction. The principle on which Jackson himself relied to justify his treatment of Arbuthnot and Ambrister, is to be found in his general orders for their execution. He says, "it is an established principle of the law of nations, that any individual of a nation, making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate." Now suppose, that Arbuthnot and Ambrister were "outlaws and pirates"—what right had General Jackson, either to execute the former on the authority of a *court martial*, or the latter on *his own authority*?—Outlaws and pirates are amenable to the *civil authority*, and not to *individuals* or a *court martial*; and, if such was the character of Arbuthnot and Ambrister, it was the General's duty to retain them as prisoners, to be tried in a *court of justice*. He cannot be justified upon *his own principles*.

Arbuthnot and Ambrister, however, did *not* become "out-

laws and pirates," by connecting themselves with the Indian tribes, who were at war with us. Even if both of them had actually taken up arms against us—and it has been proved, that one of them did not—the fact would simply have identified them with the Indians, and made them liable to the same treatment from us, that we are authorized, by the law of nations, to extend to other open and avowed enemies. This position Mr. Clay illustrated by the practice of all nations in all ages. Its validity is unquestionable. In the days of our revolution, England and Poland were at peace; but who has ever called the illustrious and chivalric *Pulaski* an "outlaw" or a "pirate," for drawing his sword in defence of American liberty? During the Seminole war, there were probably in General Jackson's own army, the subjects of almost every power in Europe; and these men were as much "pirates" and "outlaws" for fighting against the Indians, with whom their respective countries were at peace, as Arbuthnot and Ambrister could have been for fighting against the citizens of the United States. "Are gentlemen prepared," said Mr. Clay, "to return to their respective districts with this doctrine in their mouths, and say to their English, Scotch, and other foreign constituents—you are liable, in the event of war, to be treated as outlaws and pirates?"

It may be true, that Arbuthnot and Ambrister influenced the Indians to undertake the war. What then?—This could not justify their being sentenced to death by any tribunal whatever, much less by a court martial, or by Andrew Jackson, *in defiance* of a court martial. "If," said Mr. Clay, "William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him, on the ground of his having notoriously instigated the continental powers to war against

France?—Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and the prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars he had kindled, and by exclaiming to the unfortunate captive, ‘you! miscreant, monster, have occasioned all these scenes of devastation and blood?’ What has been the conduct, even of England, towards the greatest instigator of all the present age?—The condemnation of that illustrious man to the rock of St. Helena is a great blot on the English name. On that transaction, history will one day pass its severe but just sentence. Yes, although Napoleon has desolated half Europe; although there is scarce a power, however humble, that escaped the mighty grasp of his ambition; although, in the course of his splendid career, he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not execute him, upon the ground of his being an instigator of wars.”

We have stated, that General Jackson ordered the execution of Ambrister in opposition to the sentence of the court martial. To justify this open departure from all form, the chieftain’s defenders in congress insisted, that every commanding officer has an inherent right in himself to retaliate upon his enemies according to his own discretion; and, consequently, that General J. might justly have ordered the execution of Arbuthnot and Ambrister without the formality of a trial. If this were admitted, it could avail nothing in the present case. After General Jackson had, of his own accord, appealed to the court, his right of deciding the case for himself, if ever it existed, was voluntarily surrendered. But Mr. Clay proved, in his argu-

ment, that the right of retaliation, which was claimed for the hero, could not belong to him. Mr. C.'s doctrine was, that the power of retaliation was an attribute of sovereignty; that it was comprehended in the war-making power possessed by congress; that, although retaliation might be a principle of the law of nations, it belonged to the civil authority to constitute the tribunal for *applying* that principle; that the execution, even of *spies*, had not been left to the discretion of commanding officers, but to a tribunal provided by government; that, in this free country, the majesty of the law surrounded every prisoner, and he could not be justly executed, without its being shown, not only that the law had condemned him to death, but that his sentence had been pronounced by the tribunal, which was authorized by the law to try him; that to concentrate in one individual the power to make, judge, and execute the law, was the very definition of despotism; that a military commander, who had not even the disposal of the property, which he might take by reprisals upon an enemy, could much less claim the disposal of the lives of his prisoners; that the power of retaliation, whenever deemed necessary in the past history of the United States, had been conferred by an express provision of congress; that it had never been conferred, even for a limited time and purpose, upon any functionary subordinate to the chief magistrate; and that even the father of the alien and sedition laws, had never thought, amid all his usurpations of power, of claiming it as an inherent right.

In respect to Arbuthnot, who was made a prisoner within the territory of a neutral people, Mr. C. held his execution to be more atrocious than that greatest of all the atrocities of Napoleon, the execution of Louis of France. Louis, like Jackson's victim, was taken in a neutral territory; but he was, at least, put to death ac-

cording to his sentence, and the neutral ground was not stained by his blood.

The other offences of General Jackson, which Mr. C. deemed obnoxious to censure, consisted in the outrages that he committed upon the Spanish authorities, while engaged in the subjugation of the Seminoles. Here he had literally taken into his own hands the war-making power, and exercised it without control. At the opening of the campaign, he received orders from the war department, at Washington, to pass, if necessary, into the Spanish territory, but, under all circumstances, to *respect the local authorities*. Even if the Indians should take shelter under a Spanish fortress, he was not to make an attack upon it, but to report the fact to the war department, and wait for further orders. We were then carrying on a negotiation with Spain; and it was of the utmost importance, that the amicable relations between the two countries should not be interrupted. What did General Jackson do?—Instead of obeying the orders of government, he reduced St. Marks, a Spanish fortress, and occupied it with his own troops, near the close of March, 1813. By the 20th of April, he had effectually put an end to the war, and soon afterwards he commenced his return march. His career of violence, however, was not yet closed. On the 23d of May, he received a letter from the Spanish governor at Pensacola, complaining of his unprovoked and unaccountable attack upon St. Marks, and warning him, that any future aggression of the kind would be met by force. The letter was precisely what any brave man, determined to maintain his own honour and that of his nation, would have written; but General Jackson considered it a personal insult, and, marching instantly for Pensacola, took possession of it on the following day, and, shortly after-

wards, reduced the main fortress of San Carlos de Barancas by force of arms. 30873

It would seem, indeed, as if even infatuation itself could not have attempted to justify General Jackson for such flagitious violations of the rights of Spain; yet the attempt was made. As an excuse for taking St. Marks, the general had informed the war department, in a letter dated a day or two prior to the event, that he thought the place a convenient depot for his military operations, and was moreover afraid, that, unless he took it, it would fall into the hands of the Indians. The former reason is too absurd for notice, and the latter is but little better. He could not be afraid, that the Indians would possess themselves of St. Marks. At his bare approach, the frightened fugitives fled in all directions, without lifting a hand against him; and, when he had arrived in the vicinity of the fortress, there was scarce an Indian in all that section of country. Mr. Clay compared the capture of the fort to the seizure, by Lord Nelson, of the Danish fleet at Copenhagen—a deed, for which England has been more censured than for almost any other event in her history. England pretended to be afraid, that the fleet of Denmark, unless taken by her, would fall into the hands of Bonaparte, who was then playing “the game of empires” upon the Eastern continent. Did this reason avail Britain in the eyes of the world?—No. She has found no refuge from the storm of execration, that has been poured upon her for her conduct. “And yet,” said Mr. Clay, “she, perhaps, was struggling for her existence. She was combatting, single-handed, the most enormous military power, that the world had ever known. Whom were we contending with? With a few half-starved, half-clothed, wretched Indians and fugitive slaves. And, whilst carrying on this inglorious war—inglorious as it regards the laurels or renown

won in it—we violate neutral rights which the government had solemnly pledged itself to respect, upon the principle of *convenience*, or, upon the light of presumption, that, by possibility, a post might be taken by this miserable combination of Indians and fugitive slaves!"

For the capture of Pensacola and the Barancas, no reason was assigned in congress by General J.'s friends, which he himself would not probably have disdained to acknowledge. He never pretended to be apprehensive, that the Indians would occupy these places, and he seems to have attacked them from no other motive than that of resentment for what he conceived to be a personal indignity offered him in the letter of the Spanish governor. Mr. Monroe immediately restored them to Spain, acknowledging, that the holding of them would be just cause of war; and yet he and his cabinet used their influence to save General Jackson from legislative censure. Theirs was the anomalous and inexplicable doctrine, that *Jackson had a right to reduce the places, but that the government had no right to occupy them.*

We give below the close of Mr. Clay's address. It is fervid and eloquent—depicting, in dark and gloomy colours, the dangers that spring from the power of military chieftains, spurning at civil authority, and leaving their bloody foot-prints upon a broken constitution. It exhibits the wisdom of a mind which has learned the tendencies of unbridled military authority, by looking back upon the awful work that it has done—by contemplating, with a philosophick eye, the ocean of history, whose dim shores have been paved with the wrecks of fallen empires.

"Recall to your recollection the free nations which have gone before us. Where are they now?

Gone glimmering through the dream of things, that were—
A school-boy's tale, the wonder of an hour

And how have they lost their liberties? If we could transport ourselves back to the ages, when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country—the confident and indignant Grecian would exclaim, no! no!—we have nothing to fear from our heroes: our liberties will be eternal. If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of publick liberty, he would instantly have repelled the unjust insinuation. Yet Greece has fallen, Cæsar passed the Rubicon, and the patriotick arm, even of Brutus, could not preserve the liberties of his devoted country!

"We are fighting a great moral battle, for the benefit, not only of our own country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Every where the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the West, to enlighten and animate and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are shrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting unimpaired to posterity, the fair character and liberty of our country. Do you expect to execute this high trust by trampling, or suffering to be trampled down, law, justice, the constitution, and the rights of other people? By exhibiting exam-

ples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandisement made by our country, in the midst of amicable negotiation. Behold, said they, the conduct of those who are constantly reproaching kings. You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man who presides over us, adopted his pacifick, moderate, and just course, how they once more lifted up their heads, with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our republick, scarcely yet two score years old, to military insubordination. Remember, that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and, that, if we would escape the rock on which they split, we must avoid their errors.

"I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the publick thanks; they may carry him triumphantly through this house. - But if they do, in my humble judgement, it will be a triumph of the principle of insubordination—a triumph of the military over the civil authority—a triumph over the powers of this house—a triumph over the constitution of the land. And I pray most devoutly to Heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people."

This speech of Mr. Clay, though in all respects equal

to the splendid orations of Sheridan in the case of Warren Hastings, or of the most magnificent of the philippicks of Burke, was not, like them, fraught with a spirit that seemed raging and maddening for a victim. It breathed not a spirit of vengeance, but of unfeigned regret—the spirit of one, who had nerved himself to the performance of a stern duty, but was compelled, after all his efforts, to "strike with an averted face."

If had it not been for the exertions of Mr. Monroe and his cabinet, the resolutions of censure, so triumphantly supported, would have passed the house of representatives without difficulty. Most of the members, when they first heard of General Jackson's proceedings, were startled at his unparalleled temerity. They could not doubt, that, at every step of his progress, he had wantonly sacrificed the constitution and the laws to the bright thoughts of glory and the dark ones of revenge; but still his fame was so high, and he fought so bravely on one great and memorable day of peril, that they had a secret longing to discover some pretext for permitting him to pass uncensured. Nothing but a slight apology was wanted. Such an one was found in the wishes and professed opinions of the administration; and the vote of censure was lost by a small majority. Had Mr. Clay repeated his efforts in favour of the resolutions, as he had often before done on other great national questions, it is more than probable that he would have carried the vote of the house with him; but, after giving one exposition of his views and principles, and ringing in his country's ear one deep and solemn warning, he believed that his duty was discharged, and the thought of following up an attack upon the conduct of an individual was far from agreeable to his feelings.

The intercourse between Mr. Clay and General Jackson, which had before been of an amicable nature, was

here broken off. The general arrived at Washington the day after Mr. C.'s speech was delivered; and the latter, to show that he was not disposed to suffer the sentiments of personal friendship to be interrupted by considerations of a publick nature, immediately called and paid his respects to the chieftain at his lodgings. The visit was not returned; and General Jackson afterwards carried his animosity so far, as to refuse to interchange the common courtesies of life with the man, who had dared to doubt the legality of his conduct.

SECTION FIFTH.

PROBABLY the name of Henry Clay is hardly ever mentioned at the present period, without suggesting, by an irresistible association, the American system for the protection of home industry—a system, into which, like that of Internal Improvements, he breathed the breath of life, and which has lived, and moved, and had its being, in his influence. By his exertions for the promotion of his system, he has established a new era in the political economy of our country.

Prior to the war with Great Britain, Mr. Clay, then a member of the senate, proposed that certain domestic manufactures should be encouraged by the government. The proposition was accepted, and became a law. The encouragement, however, which was thus extended, consisted merely in a preference which the government, in purchasing the munitions of war, was to give to American productions over those of any other country, when it could be done without detriment to the publick interest. The system of *protection* was not then established.

At the close of the war, the institution of a new tariff was imperatively demanded by a variety of powerful considerations. The successive measures of restriction, to which the government had resorted to avert the war, and the war itself, had tempted many to embark in the business of manufacturing; and the peace found numerous establishments, yet in their infancy, struggling, as it were, for existence. The subject accordingly came before congress in the session of 1815-16, and occupied, for a long

time, its most anxious attention. Our statesmen and politicians were then comparatively without experience in this great branch of national economy, and could not be expected to know, save from the reasonings of political economists, and the practical results exhibited in the history of other nations, what system of policy was best adapted to the permanent prosperity of a people's industry. Assuming the expediency of protection, great embarrassment was felt in the adjustment of the proper *measure* of protection. Mr. Clay was then a zealous advocate for the encouragement of our manufacturers, which he urged on the grounds of justice to the manufacturers themselves, who had been forced or induced to engage in their business by the policy of government, which they could not control, and who would now be prostrated by the flood of foreign merchandise let in by the peace, if they were not sustained by the parental care of their own government. He also urged it on the broader ground of national utility. The tariff bill was passed; and during its progress through the committee of the whole house, where alone Mr. Clay, being speaker, could participate in the debate, a higher duty was adopted, through his exertions, for the important article of woollens—a duty, which would have saved the manufacturer of that essential fabrick from much subsequent distress, had it not been unfortunately reduced by a small majority in the house.

This distress continued to exist, in a greater or less degree, till 1819-20, at which time the subject of a tariff was again before congress, and Mr. Clay enforced his views of the policy of protection with a spirit and eloquence that nothing could withstand. The obstacles that opposed him were great, and, to a timid mind, would have appeared insurmountable. They consisted in the general prejudice that was felt against an untried system; in the

want of co-operation on the part of the national executive; in the secret influence of British factors; and in the open opposition of nearly all the powerful capitalists of the country, who were apprehensive that the protection of manufactures would interfere with their own peculiar gains. When Mr. Clay took the field against all these impediments, it was with a full trust, that the strength whereby he had often before surmounted or put aside obstacles, which rose like successive ranges of mountains in his path, would again avail him in this his country's emergency. He justly regarded the contest in which he was now engaged, as a struggle for the perfect independence of the United States. Our political emancipation had been achieved by the war of the revolution; but, in commerce, we were yet the slaves of Britain, dependent on her for many of the necessaries of life. In this second war of Independence, Henry Clay was the American leader, as Geo. Washington had been in the first; and, if he former was not required to devote to his work so many years of toil and peril as the latter, he, at least, brought to an equal share of moral courage and intellectual vigour; and every step of his difficult progress was worthy of an immortal trophy.

As a reason for introducing a radical change into the policy of the country, Mr. Clay showed, that, in the very course of nature, it would be impossible for the United States to find in Europe a permanent market for their surplus productions. The population of the United States has been found to increase in a ratio four times as great as that of Europe; and hence, admitting that the produce of our labour keeps pace with our population, it is obvious that the amount of this produce is increasing four times as fast as the capacity of Europe to consume it.

What were the most effectual means of rendering our-

selves independent of foreign markets, which, in all human probability, would be unable, at the end of fifty years, to receive one half of the surplus productions of our country ? There was no other mode than to institute markets of our own—to establish and cherish manufactoryes of cotton and wool, which, while they enabled us to provide our own clothing, would divert the industry of a part of our citizens into new channels. The different portions of our population being engaged in different employments, one portion would be the consumers of the surplus produce of another, and our country would thus become a world within itself, and might look with unconcern upon the condition of foreign nations, and smile at the commercial edicts of councils and kings.

The victory achieved by Mr. Clay on this occasion, was equally glorious and unexpected. The house re-modelled the tariff of 1816, and laid such duties on foreign importations, as, it was supposed, would subserve the purposes of protection. The measure was, however, unfortunately defeated in the senate.

Experience is a nation's only guide in fixing a wise and efficacious system of policy. The congressional provisions, encouraging our manufactures, went into operation, but owing to a combination of causes that had not been foreseen, they proved inadequate to the object for which they had been instituted. Their influence, so far as it extended, was beneficial; yet they only served to mitigate evils, which were still almost insufferable. In 1824, depression and distress were visible over the whole face of the country. They were apparent in the diminution of our exportations; in the reduced condition of navigation and commerce; in the quantity of grain rotting in our store-houses for the want of purchasers; in the unprecedented scarcity of money; in the want of employment

among the labouring classes; and in the alarming depreciation of the value of the whole property of the United States. What was to be done? This question it was hard to solve, for the causes of our distress were misunderstood. Misery was every where "rained upon men like dew," but, though fearfully visible in its consequences, it was not traced home to its hidden springs.

In this hour of peril and dismay, when all hearts were failing, with a looking-for of ruin, Mr. Clay again came forward upon the floor of congress to save the country by his counsels. He knew his influence, and felt, almost to agony, the awful responsibility of the moment. Solemn and impressive as he always is, when entering into the discussion of the great interests of the age, he was perhaps never known to manifest so deep and religious a trust in the aid of Him, who "can fashion at will the houghts and passions of the heart," as on this occasion. If," said he, "it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most HIGH. I would anxiously and fervently implore His divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that he would sustain, on this interesting occasion, the individual who stands before Him, and lend him the power, moral and physical, to perform the solemnities which now belong to his publick station."

After a glowing exordium, Mr. Clay entered with energy upon his subject, and depicted the origin of the general calamity with such fearful distinctness, that his eloquence seemed the drawing aside of a curtain—the revelation of a long hidden mystery. He claimed that all our stress sprung from human causes. The showers of heaven fell upon our fields as bountifully as ever; the morning sun and the evening dew still visited hill and

valley with their quickening power; the yearly offering which the husbandman cast upon the earth was touched with the blessing of Heaven as visibly as the sacrifice of the Prophet of old, which was crowned by fire at the hill of Carmel; no "scourge of God" was passing among us, to blast our plains with fire, and mingle blood in the fountains of which we drank; and therefore, whatever might be the causes of the distress that pervaded the land, they were to be sought in events within our own control.

Mr. C. referred all the evils which had come upon us to the fact, that, during nearly the whole existence of our government, we had shaped our commerce, our navigation, and our home industry, in reference to a state of things in Europe, which now had no longer an existence. So long as Europe was involved in war, she had occasion for our commerce, and constituted a valuable and unfailing market for all the productions we could send abroad; and, like a young and thoughtless nation, we had fashioned our whole policy upon the supposition that things would be always thus. Our foreign resources were cultivated with unremitting assiduity, while those of a domestic character were left to almost utter neglect till 1816, and then protected by a tariff, which barely served to save them from entire annihilation. Of course, when the European wars terminated, the staff on which we had leaned was broken. Europe was now in a situation to sustain herself without our aid. As a necessary result, our vessels were dismissed from her employment, and our produce excluded from her markets. Our property, both on the land and the ocean, suffered a diminution in value of fifty per cent., and languor settled like a spirit of pestilence upon city and country. These consequences resulted from our policy as naturally as any effect ever follows its cause; and Mr. Clay contended, that the only way of escaping

them was to change our policy, to establish a great American system, whereby the country should be poised upon her own centre, and her prosperity established on a foundation as immovable as the granite pillars of her mountains.

We are of opinion that a more earnest and able debate never took place, either in the American congress or any other deliberative assembly, than that which ensued at this time upon the subject of the tariff. It constituted one of those great epochs, by which a nation's history is marked. Mr. Clay and Daniel Webster were the leaders of the opposing parties; and their friends will not hesitate to acknowledge, that neither of them ever encountered a champion more worthy of his prowess. When such minds come in contact in the prime and vigour of their powers; when, hour after hour, they dash against each other, like seas driven by adverse winds, and recoil backward but to renew the shock with added violence, there is a sublimity in the scene, greater than that of the warring elements, when the clouds are marshalling themselves like bloody giants in the sky, and the great waves of the ocean are rolled up before the storm-breath of the Almighty.

Mr. Clay and Mr. Webster, though perhaps equal in strength, were wholly unlike each other in the conformation of their minds. The arguments of Mr. Webster were powerful weapons, which went toward their mark with a force that seemed irresistible; but they were weapons, whose temper and character were known, and hence they could be guarded against with the more certainty. On the other hand, the contents of Mr. Clay's intellectual armoury, if not more massive, were, at least, more diversified and fatal. At one moment, he could strike with tremendous force in the strife of hand to hand, and then, perchance, gall his enemy at a distance with arrows blazing

with the hottest flame of eloquence and passion, and blinding their victim by the fierce intensity of their brightness. A gentleman, who was a spectator of the encounter, and who has had the kindness to give us some account of it, describes the powers of the rival champions by a striking similitude. "The eloquence of Mr. Webster," says he, "was the majestick roar of a strong and steady blast pealing through the forest ; but that of Mr. Clay was the tone of a god-like instrument, sometimes visited by an Angel-touch, and swept anon by all the fury of the raging elements."

Mr. Clay rested his argument in favour of the protection of domestick industry upon the solid foundation of experience. He appealed to the history of other countries, and showed, by mathematical computation, that the riches of every people were exactly proportionate to the degree in which they protected their home fabricks. Great Britain guarded the industry of her citizens by the heaviest protecting duties ; and she was the most affluent nation on earth. France was the second in the degree of protection, and second too in the order of wealth. Spain almost wholly neglected her industry, and was consequently among the poorest of nations ; while the United States, from a still more culpable disregard of the protecting policy, were poorer even than Spain. The effects of the restrictive system, in the creation of wealth, as exhibited in Great Britain, are indeed remarkable. Mr. Clay stated the amount of her wealth, annually produced, to be *three hundred and fifty millions sterling*, far the greater portion of which was produced by her manufacturers. It was this astonishing power of creating wealth, that enabled her to raise the immense subsidies whereby she sustained herself through the almost interminable convulsions of Europe; turned back the flood of war, which the mighty spirit of the

Corsican was rolling over the eastern continent; smote the sceptre from his convulsive grasp on the field of Waterloo; and finally established a peace, without having exhausted her resources.

It cannot but be a source of pride to the supporters of the American system, to observe with what success Mr. Clay attacked the positions of its enemies. In spite of the desperate strength with which some of them were defended, he demolished them, one by one; and, when he had gone through the field, the work of destruction was at an end. There remained not an outwork or a fortress, but was utterly dismantled—and we can imagine the conqueror to have sat amid their fallen piles, like the stern old Roman amid the ruins of Carthage.

The first objection urged against Mr. Clay's system, was, that it would operate unequally; that the South, owing to the character of its population, could not engage in the business of manufacturing, and consequently ought not to pay increased duties on foreign importations for the encouragement of this species of industry. To this Mr. Clay replied, that the South *could* engage in manufacturing; that the obstacles to it were rather imaginary than real; and that, to some branches of the business, the slave population was peculiarly adapted. But supposing that it was otherwise: still the South had no right to claim that the policy of the union should be established in sole reference to the condition of the blacks—in other words, that the whole country should become the slave of slaves. Mr. Clay well remarked, that, under the old system of policy, there existed a sort of tacit compact between the southern cotton-grower and the English manufacturer, the conditions of which on the one side were, that the manufacturer should continue to purchase the cotton of the south, and, on the other, that the whole of the United States—the

eastern, western, and middle portions, as well as the southern, should remain open and unrestricted in the consumption of English manufactures. The object of the tariff was not to sacrifice the south to the other sections of the country, but simply to prevent all the rest of the country from being sacrificed to the south. The south complained, that, if the tariff were established, the price of certain objects of her consumption would be temporarily increased. The other parts of the union complained, that, if it were *not* established, they should be unable to purchase the necessary objects of consumption at any price. At most, the tariff could only be inconvenient to the south, while the want of it would be ruinous to the country. Mr. Clay believed, however, that the adoption of the restrictive policy would ultimately be *beneficial* to the people of the southern states, whether they engaged in manufacturing or not. Under the old system, the English manufacturers enjoyed the exclusive privilege of supplying the articles of southern consumption, and consequently supplied them at an exorbitant price. Under the operation of the tariff, manufactures would spring up in the United States to rival those of England, and there could be little doubt, that, in consequence of the competition, the south would be able, after the lapse of a very few years, to purchase the objects of its consumption at a greatly diminished price. This position admitted of a forcible illustration. At the close of the late war, the American establishments for cotton-bagging, in Kentucky, were prostrated by the influx of the Scottish manufacture. Of course the Scotch subsequently monopolized the supply of the country. What was the effect? They immediately raised the price of bagging to a sum that would have *protected the American manufacture ten years.* This increased price of the article induced the American establish-

ments to go again into operation, and the effect was to reduce the price one half.

In the second place it was objected, that the Tariff would diminish the amount of our exports; that Europe would not purchase of us unless we purchased of her. Mr. C. replied, that, as the bill before congress operated only on a few articles of foreign industry, Europe might still buy of us whatever she wanted, and pay us in articles not effected by the provisions of the Tariff. If there was any falling-off in our exports, it must be in the article of cotton to Great Britain; and, even in this, it was impossible, that the diminution should be important. Great Britain bought cotton of us annually to the amount of about five millions sterling, and sold it, in its manufactured forms, for more than twenty-one millions and a half. Of the manufactured fabrick, the United States received only to the amount of a million and a half. If Great Britain, in consequence of our Tariff, should refuse to purchase our cotton, she would lose the market for the twenty millions sterling, which she was selling yearly to foreign powers. Such a loss she would not willingly incur. The diminution, then, in the exportation of cotton to Great Britain, could only be in the proportion of one and a half to twenty—a diminution, which would be more than made up by the increased sale of the article in our own country. Besides: the new direction, given to our industry, would produce new articles of exportation—articles, which, from the labour bestowed on their manufacture, would be far more valuable than raw materials—and hence, the aggregate of our exports, instead of diminishing in value, would be greatly increased.

The next objection to the Tariff was, that it would diminish our Navigation. Mr. Clay said, in reply, that, he was right in the supposition, that the protection of

our industry would produce new objects of exportation, our navigation would receive additional encouragement. Even if this interest, contrary to all probability, should experience a depression, the increase of the coasting trade would be more than a compensation for the injury. The orator contended, moreover, that, in settling our manufacturing and agricultural policy, the interests of navigation, though certainly worthy of attention, should be regarded as of secondary importance. The whole business of navigation is to transport the productions of the agricultural and manufacturing branches of industry; and therefore it should accommodate itself to the actual condition of these branches, instead of requiring them to be moulded to its own purposes.

Again: the opposers of the domestick policy objected, that its adoption would force capital and labour into new and reluctant employments—employments, for which we were unfitted by the high price of labour in this country. Mr. Clay remarked, in answer, that no man would enter upon the business of manufacturing unless at his own option. It was notorious, that one great cause of the distress of the country, was the almost universal want of employment. Agriculture, commerce, navigation, and all the learned professions, were overflowing with competitors. The establishment of manufactures would open a new field of business, and those who thought proper would engage in it, and none others. As to our being unfitted for manufacturing by the high price of labour, the suggestion was absurd. So great were the want of employment and the consequent embarrassment among the working classes, that instances were frequent, in which men laboured for a bare subsistence. Besides, manual labour was but a trifling consideration in the manufacturing arts. Almost every thing had then come to be done by machinery.

In estimating the expense of English fabrics, the item of manual labour was quite too small for competition. The machine power of Britain was equal at that day to the manual power of two hundred millions of able-bodied day-labourers; or eleven times as great as the aggregate of the whole natural power of the country. In this advanced state of the arts, the circumstances most requisite for success in manufacturing, were capital, raw materials, ingenuity in the construction of machinery, and adroitness in the application of it. Our citizens were deficient in none of these things, and hence there could be no doubt, that, with proper protection, their success would be complete.

It was further urged, that, wherever there was a concurrence of favourable circumstances, manufactures would bring up of themselves, and flourish without protection. This theory, Mr. C. said, was refuted by fact. The supposition, that manufactures, without protection, could maintain themselves in a competition with protected manufactures, was refuted by the experience of all nations. There was never *one instance*, in which they thus maintained themselves. The causes of their universal failure might be obvious or they might not—but the fact still remained. It would be as preposterous to reject the fact account of our ignorance of its causes, as to decline closing ourselves of the light of the sun because we may know of what substance it is composed.

Mr. Webster argued, that the protecting policy was demanded by the most enlightened statesmen of Europe, that we, in adopting it, should only be decorating ourselves with the cast-off habiliments of other nations. Clay challenged any and all of his opponents to cite a literary case, where a nation, after once enjoying the benefits of the restrictive system, had surrendered them.

He represented his opponents as rejecting the evidence of the settled and permanent policy of Europe, and asking Congress to take lessons from a few speculative writers, whose visionary theories had been nowhere adopted, or, if adopted, had brought nothing but poverty in their train. Great Britain had not relaxed from the most rigourous restrictions. She not only protected the whole of her vast dominions against the rest of the world, but protected the parent country against the colonies—and even the different parts of the parent country against each other. Supposing, however, that Great Britain *should* abolish all restrictions upon trade—it would by no means follow, that we could safely imitate the example. Her manufactures had been brought to maturity—but ours were in their infancy. If a universal system of free trade were to be established, Great Britain might, by reason of the perfection of her arts, increase in riches and prosperity, while, at the same time, every American manufacturer would inevitably become a bankrupt. The lion may need no protection—but the life of the lamb depends upon it.

It was, at length, suggested by Mr. P. P. Barbour, of Virginia, toward the close of the discussion, that the protection of domestic industry was contrary to the spirit of our constitution. It is indeed a curious fact, that this notion of the unconstitutionality of the Tariff—a notion which, within the last three or four years, has been very perseveringly and boisterously proclaimed—was never thought of during the long and able discussions of 1815 and 1820, and merely alluded to in 1821 as an incidental consideration, in the soundness of which the most violent enemies of protection had obviously no sort of confidence. Mr. Clay, in the slight notice which he thought fit to bestow upon this topic, deduced the right of taxing imported articles from that clause of the constitution, which

authorizes congress to regulate commerce with foreign nations. Under the authority of this clause, we had already passed embargoes, and laws of total non-intercourse, effecting an entire cessation of commerce with all the nations of the earth.

All these objections, and innumerable others, were swept away by Mr. Clay's varied and matchless eloquence—sometimes whispering to the heart with a tone like that of twilight musick, and then calling to the passions with the mingled voice of earthquake and whirlwind. Nor was he less successful in establishing his own arguments than in annihilating those of his opponents. Day by day he multiplied and strengthened them. Day by day he heaved them upon each other, until the growing mass—rock-ribbed and mighty—rose high into the air, and his enemies could no more overturn it than they could shake down the eternal Alps. In the one attempt, as in the other, there was danger of the descending avalanche.

When, at the close of the discussion, the subject of the American system was referred to the votes of congress, Mr. Clay's victory was proclaimed to the world. His majority was small, but this only proved the strength and resolution of his antagonists.

The Hon. Mr. Baldwin, now an associate justice of the supreme court, had, as chairman of the committee of manufactures, charge of the tariff in the session of 1819–20. Speaking, on his return home, to his constituents of Pittsburgh, of the services of Mr. Clay, he represented him as having "exhibited the varied skill and talents of the commander in chief, the corporal, and one of the rank and file."

Six years have already elapsed, and we have now an opportunity to scan the predictions of Mr. Clay in regard to the system, of which he was the author and builder.

There is not one of them but has been verified. The south is supplied with the articles of its consumption at reduced prices; the amount of our exports, of our navigation, and of our revenue, has been augmented; our manufactures have flourished in spite of the price of labour; and the policy of protection, instead of being cast aside in other countries, is still cherished by every nation, that has ever had experience of its advantages. Mr. Clay's prophecies could not have been more true, if his lips had been touched with a coal from the altar of inspiration.

It is indeed a pleasure to contrast the present condition of the United States with what it was in 1824, when every man seemed gazing upon ruin, face to face. A wonderful work has been wrought among us. Our roads, our canals, our rivers, and our coasts, are thronged with the produce of our fields; our markets are rich and unfailing; the marks of cheerful and successful industry are visible in every countenance; the precious metals are flowing upon us abundantly; prosperous villages are every where springing up like the creations of a wizard tale; the tide of emigration has been stayed; and every stream, that gushes from our forest-shades, is turning its wheel and its spindle, instead of wandering down to the ocean for no better purpose than to picture rock, and tree, and sky, upon its surface. Even if the establishment of the policy of protection were the only distinguished act of Mr. Clay's life, the memorial of his days would still be a nation's happiness.

No friend of his country can look dispassionately upon the operation of the American system, and wish to destroy it. Even Mr. Webster, earnestly as he once opposed it, has witnessed its effects and became its supporter. We believe it will stand, in defiance of time and storm—in defiance, too, of those gigantick and desperate spirits, who are tugging so madly at its pillars.

SECTION SIXTH.

No question that has ever arisen in the councils of the general government since the establishment of the constitution, has been fraught with half so much danger to the harmony and existence of the union, as that which sprung up in the session of Congress of 1818—19, on the proposal to admit the territory of Missouri as one of the members of the confederacy. On that occasion, while the bill providing for the admission of Missouri, was before the house of representatives, the following condition, among others, was proposed:

"All children of slaves, born within the said state after the admission thereof into the union, shall be free, but may be held to service until the age of twenty-five years; and the further introduction of slavery or involuntary servitude is prohibited, except for the punishment of crimes, whereof the party shall have been duly convicted."

It will be immediately perceived, that this condition touched the most delicate and inflammatory subject that can be agitated in these United States—one which presented the greatest difficulty in the formation of the present constitution of government, and which, there is too much reason to apprehend, will continue to convulse the country more or less, whilst the union or slavery remains. When this condition was first proposed in Congress, it had not been previously discussed and considered by the mass of the people, who were, therefore, perfectly tranquil and unagitated. Their feelings, sentiments, and prejudices, on the subject of the slavery of the African part of

our population, were, however, sufficiently well known to their respective representatives, not to be mistaken.

From the first introduction of this unhappy topic into the house of representatives, Mr. Clay, who, at one rapid glance, foresaw all its fearful consequences, took a decided and active part against the proposed condition. No man regretted more than himself, the existence of slavery, disfiguring the fair face of our country. No man was more ready than he to embrace every practicable scheme for eradicating or mitigating the evil. Of this disposition, he had, from his boyhood, given frequent and abundant evidence; but he believed that the constitution had withheld from congress all power over the subject. He believed that any remedy which might be devised, could only be adopted and applied by each of the several states within which the institution of slavery was tolerated. He thought that every new state admitted into the union, became, at the moment of its admission, invested with all the political rights and privileges of the original states; and, consequently, possessed the power of determining for itself whether it would tolerate slavery, and on what conditions. He even declared, that if he were a citizen of Missouri, he would support the objects of the proposed condition—that is, he would oppose the further introduction of slaves into the state, and favour the gradual emancipation of those who were already there. Still, that was a matter for the people of Missouri alone to consider and determine. We had no right to force our opinions upon her. She was not only unrepresented in congress, but there was in that body a majority of members, who, coming from non-slave-holding states, could not partake of her feelings, her sympathies, and her interests.

The condition in question was debated at great length, and with much warmth and zeal, in the house of repre-

sentatives, and carried by a majority, consisting, with few exceptions, of all the members from the non-slave-holding states. Every member from the other states voted against it. In the senate the condition was stricken out, and the bill, with this amendment, returned to the house of representatives. Each house adhered to its opinion. The bill for the admission of Missouri was consequently defeated, and the session of congress of 1818—19, terminated without any settlement of the question.

This was an unfortunate result. The people quickly caught from their respective representatives the contagion of excitement; the press, in the vacation of congress, teemed with the most violent pamphlets and paragraphs on the subject of slavery; and all possible means of exciting and arraying the elements of a political storm, were put into active operation. The union was fearfully agitated throughout all its parts; and, in this state of general tumult, the congressional session of 1819—20 commenced.

The renewed discussion in congress of the restriction on Missouri, far from allaying the storm throughout the country, served only to increase its rage and violence. Resolutions in favour of the restriction and against it, were adopted by New-York, Virginia, Pennsylvania, Ohio, Kentucky, New-Jersey, and other states; and petitions and memorandums from publick meetings and societies were showered in a flood upon the tables of both houses of congress. These demonstrations of the intensity of popular feeling, tended to protract the debate, and to give it not only animation but acrimony. Many speeches were pronounced. Mr. Clay spoke, at one time, nearly four hours against the restriction; and it is to be regretted that his speech, which created a strong sensation, and was universally acknowledged, by those who heard it, to be one of

the most powerful, profound, and eloquent efforts of his whole life, has never been published.

On the side of the restrictionists, the miseries of slavery were depicted in strong and vivid colours; its rapid progress in some of the states afflicted with its evils, was dwelt on as a source of alarm; and the necessity of curtailing its range was vehemently urged. The advantages accruing to the states of Ohio, Indiana, and Illinois, from the adoption of the interdict to the introduction of slavery north-west of the Ohio, by the ordinance of 1787, were insisted on at great length, and with signal ability. In respect to the power of Congress to admit new states into the union, the restrictionists contended that it was plenary, and drew after it a right to decide whether the admission should be absolute or on condition, and on what condition; and that, accordingly, on the admission of all the new states, *some* conditions had been annexed.

The advocates for the unconditional admission of Missouri into the union, generally admitted that slavery was a great evil. They contended, however, that it was an evil which those who felt it were most competent to remedy; that the comfort of the slaves, as well as the safety of the whites, would be best promoted by the diffusion of the former, rather than by their concentration; that the dangers from the increase of the slave population, were distant or imaginary; and that the non-slave-holding states, being themselves now free to allow or prevent the introduction of slaves, ought to leave every other state in possession of the like freedom.

It was behind the constitution, however, that the opponents of restriction principally entrenched themselves. They earnestly contended that the constitution bestowed on congress no power whatever over slaves, save that which had been already exercised, of prohibiting their im-

portation after the year 1808; that the slave states never would have consented to enter into the union, if the power now claimed for congress had been conferred by the constitution; that the day when it should be usurped, would be the last of the union; that the power to admit new states, implied no power to impose restrictions, but was a naked power to admit or not to admit; that a new state, when admitted, stood on a perfect political equality with all the old states, and possessed the same powers and privileges, among which was that of deciding for itself the question of tolerating slavery; that the alleged conditions on the admission of other new states, were not in fact conditions presented by a paramount sovereign, but terms of compact offered to the new states, and obligatory upon them in value simply of their own voluntary consent; and that the ordinance of 1787, having been enacted for the government of territories prior to their admission as states into the union, could not now be construed as controlling the right of Ohio, Indiana, or Illinois, to admit slaves, if either chose to authorize their introduction.

After a discussion more arduous and angry than that of the preceding session, the question was again put to vote. In the senate there was a majority against the restriction, and in the house a majority for it. The District of Maine having an application before congress at the same period, to be admitted as a state into the union, the senate voted the bills for the two new states; but the house rejected that combination. Finally, through the agency of committees of conference appointed in the two houses, the question was settled by what was termed a compromise. According to this compromise, Missouri was received into the union without restriction, and, by the eighth section of the act admitting her, it is provided, "that in that territory ceded by France to the United States,

under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be and is hereby for ever prohibited: Provided always, that any person escaping into the same from whom labour or service is lawfully claimed in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid."

Thus terminated for a time the discussion of a question so portentous to the durability of the union. A contemporary periodical of high respectability remarks: "This distracting question, as it was emphatically called by a member of the Senate of the United States, and which has so long excited the hopes and fears of every patriot in the union, has at last been settled. Very few, perhaps, are entirely pleased with the manner of its adjustment; but most persons are gratified that it has been adjusted amicably—for certainly it was a matter of more serious importance than any other ever before submitted to the consideration of congress since the formation of the constitution, presenting a conflict of interests as to real or honestly presumed rights, and affecting us all geographically."

The act of congress, however, did not absolutely admit Missouri into the union. It only authorized the people of the territory to form a constitution and state government, and required that these should be republican, and not repugnant to the constitution of the United States. It also required "a true and attested copy of such constitution or frame of state government as might be formed or provided, to be transmitted to congress." After these requisitions should be complied with, a final resolution of congress,

according to the practice in analogous cases, would be necessary to admit the state as a member of the confederacy.

In June, 1820, the people of the territory of Missouri proceeded to ordain and establish a constitution of government for the contemplated state. Among other provisions, it was ordained in the twenty-sixth section of the third article, that it should be the duty of the general assembly, *as soon as might be, to pass such laws as were necessary to prevent free negroes and mulattoes from coming to and settling in the state under any pretext whatever.*" Under this constitution, a state government was organized, and went into operation. A governor, and other executive officers, and members of the general assembly, were appointed, in conformity with the constitution; and the first meeting of the legislature was held at St. Louis, in September, 1820. The state of Missouri also appointed electors of president and vice-president, who formed a college which voted for those officers, and their votes were transmitted to the seat of government in the usual manner.

Shortly after the promulgation of the constitution of Missouri, the public journalists commenced their animadversions upon the clause for the exclusion of free negroes and mulattoes, and an objection was founded upon it against the final recognition of the state as a member of the confederacy. With the quickness of thought, parties were arrayed on both sides of the question; and it was evident that the compromise of the previous session of Congress, had not extinguished, but only smothered, the fiers of strife. The flame was now rekindled, and spread with terrible rapidity; and even before the opening of the session of congress, the whole country was again in motion.

During the fall of 1820, Mr. Clay, in consequence of

heavy losses, which he had sustained as an indorser for a friend, resolved to retire from congress, and in the practice of law, devote himself to the reparation of his private affairs. He therefore resigned his office as speaker of the house, but retained the privileges of a member—determining to take his seat at as early a period of the session as was consistent with his professional avocations, and thus close his engagement to his constituents.

Shortly after the opening of the session, the constitution of Missouri was laid before congress for consideration, and referred to a committee. The senate readily passed a resolution for the admission of the state into the union; but a very different scene was to be witnessed in the house of representatives. The committee of the house, like that of the senate, reported in favour of the admission of the state unconditionally; but its report was rejected. The question, which divided the two houses, and agitated the publick, was of very little consequence in itself, and derived all its importance from its connexion with the subject of slavery, and the debates of the two previous congressional sessions. By the constitution of the United States, it is ordained, that "*the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.*" Those who opposed the admission of Missouri, contended that free negroes and mulattoes were citizens of the state of their residence; that as such, they had a right, under the constitution, to remove to Missouri, or any other state of the union, and there enjoy all the privileges and immunities of other citizens of the United States emigrating to the same place; and therefore that the clause in the constitution of Missouri, above adverted to, was repugnant to the constitution of the United States, and she ought not to be received into the union. On the other hand, it was maintained that

he African race, whether bond or free, were not parties to our political institutions; that therefore free negroes and mulattoes were not citizens, within the meaning of the constitution of the United States; and that even if the constitution of Missouri were repugnant to that of the United States, the latter was paramount, and would overrule the conflicting provision of the former, without the interference of congress.

Such was the question which now threatened an immediate and fatal rupture of the union. Mr. Clay being absent from congress, the care of supporting and carrying through the house of representatives the proposition for admitting the new state, was confided to the lamented Bowditch. It could not have been entrusted to a man more amiable, estimable, and enlightened. No member, at that time, with the exception of Mr. Clay, possessed such weight of character, or so much influence in the house. All his great powers of persuasion were now unavailingly exerted. A stern and inflexible majority repelled every proposition, in every form, which aimed at the reception of the offending state. Scarcely a day elapsed without bringing up the question in some shape or other. An entry in the journal, the presentation of a petition, an appropriation of money, the enumeration of presidential votes, the enforcement of the laws of the union within the limits of Missouri, or some other matter, rendered it necessary from day to day, to consider whether Missouri remained a territory, or had become a state, and thus sure to throw the house into the most uncontrollable excitement. The two parties—substantially the same as I existed at the previous session when the compromise was effected—became at length so fierce in their exasperation against each other, that all business was at a stand, till the wheels of government were stopped. In all parts

of the country the people did nothing but sound the onset to their respective champions in Congress. Popular meetings, legislative resolves, and other demonstrations of feeling and passion were resorted to—crimination and recrimination followed—and separation, disunion, and civil war, with all its infinite of horrors, were the common topics of every village and hamlet. Had a few more materials of excitement been kindled, the work of destruction would have been instant and complete. The mysterious sounds that precede the volcano's birth, were heard in every breeze, and if the flood of fire had been convulsed and upheaved by the slightest added violence, its desolate pathway would have been visible over the fairest portion of the earth.

In this state of things, the eyes of all congress were turned towards Mr. Clay, as the only man who could, by any possibility, avert the calamities which seemed hanging over the republick. On the 16th of January, 1821, when more than half the session was exhausted, he arrived at Washington. He found the house of representatives in a situation that scarce admits of a description. All legislation was at an end, and the members of the two parties were scowling darkly upon each other, muttering angrily and ominously, and resembling two hostile armies just before a general engagement, with their arms in their hands, and waiting but for the word to rush to battle. Instantly he was addressed by the more considerate members of both parties, and urged to use his most earnest exertions to calm the strife that agitated congress and the nation. He needed no such incentive; for he saw that the state must be speedily saved, or her glory and her strength would depart for ever.

With a sagacity peculiarly his own, Mr. Clay soon discovered, that although there was a decided majority which opposed the admission of Missouri into the union when-

ever the question was put to vote, still a secret wish pervaded that majority, for the peaceable adjustment of the controversy. This was a most favourable circumstance, since it secured the success of any preliminary or collateral motion, which he might offer with the view of an ultimate accommodation. After having "delivered his sentiments at large on the state of the question," and in those deep and solemn tones which had before sounded through the house in the hour of his country's need, made "an earnest appeal to members of both belligerent parties, to bring to the discussion, minds prepared to harmonize," he submitted, as a last effort, on the second day of February, a motion to refer the Missouri question to a committee of thirteen--a number suggested by that of the original states of the union. The motion was agreed to, and committee was so constituted of the two parties, that if all those members of it who had before opposed the admission of Missouri, could be reconciled to any plan of adjustment, that plan would be carried in the house.

On the 10th of February, Mr. Clay, as chairman of the committee, made a written report to the House, accompanied by a resolution for the admission of Missouri into the Union, upon the following fundamental condition:

'It is provided, that the said state shall never pass any law preventing any description of persons from coming or settling in the said state, who now are or may hereafter become citizens of any of the states of this union, also that the legislature of the said state, by a public act, shall declare the assent of the state to this provision, and shall transmit to the president of the United States, on or before the fourth Monday in November next, a full and authentic copy of the said act, upon the receipt whereof the president, by proclamation, shall announce the fact; whereupon, and without any further proceedings on the

part of congress, the admission of the said state into the union shall be considered as complete: and it is provided further, that nothing herein contained, shall be construed to take from the state of Missouri, when admitted into the union, the exercise of any right or power which can now be constitutionally exercised by any of the original states."

It is obvious that this proposal did not involve a sacrifice of any of the principles for which Mr. Clay, and all those who were in favour of the unqualified admission of the state, had contended. It did not decide whether free negroes and mulattoes were or were not citizens of the United States, but left that question to the proper tribunals. It stripped Missouri of no power which appertained to the original states. It required, indeed, a solemn act of the legislature of the state, but that act was to effect no other object, than what the constitution of the United States, operating on the case, would have accomplished. On the other hand, those who had opposed the admission of the state, ought to have been content with the proposal. Their objection, as they had alleged, was founded on the repugnance of a clause of the Missouri constitution to the constitution of the United States. The argument had been pressed upon them in vain, that assuming the existence of the repugnance, the constitution of the United States must control. On this point they stood committed by repeated votes. Mr. Clay clearly saw, that it was useless to urge them to retrace their steps, however untenable their ground. He saw the necessity of affording them some opportunity for a decent retreat; and this was done by the requirement of the solemn act from the legislature of Missouri. Upon their own principles, if the exceptionable clause in the constitution of the state were the real objection to her admission, they were bound to be satisfied with that act.

The report was taken up in the house on the 12th of February. Mr. Clay gave a detailed account of the proceedings in the committee; of the difficulties which interposed; and of the considerations which led to the recommendation of the resolution. He concluded his explanations and arguments by earnestly and passionately invoking the spirit of harmony and kindred feeling to preside over the deliberations of the house. A sharp and obstinate encounter ensued. In the committee of the whole on the state of the union, the report of the committee of thirteen was negatived by a small majority; but this decision was afterwards overruled in the house. On the test, however, of the third reading of the resolution, it was rejected by a majority of 83 to 80, in consequence of a defection of Mr. Randolph, of Virginia, who, with two other southern members, voted with the party that had been opposed to the admission of the new state. The next day, a reconsideration was moved and carried a large majority; and thus the question of the third reading of the resolution was again brought before the house. Another protracted and bitter debate followed, and was concluded by a speech from Mr. Clay, who is resented by the contemporary journals, as having "read, remonstrated, and entreated, that the House would decide the question." Every other speaker that rose, appeared under the combined influences of personal, sectional, and political resentments, and addressed the house with no other object than that of provoking and defying the opposite party to the worst excesses. Mr. Clay alone stood above the violence and the rage of conflict. No vociferation could stir him to wrath. Every darker passion seemed to have died within him, and he looked down on the maddening and terrific scene with that calm and fine regret, and gave utterance to his thoughts in that

high, majestick, and pathetick eloquence, which seemed almost to designate him as a superior being commissioned by Heaven to warn our country against the sin of anarchy and blood. So resistless was his appeal, that many a fierce and lowering countenance was wet—but all would not do. A small majority again decided against him, and his resolution was thus finally rejected.

The next day, the ceremony of counting the votes for president and vice-president was performed in the presence of the members of both houses of congress, in the hall of the house of representatives. A scene of unprecedented tumult and confusion arose on the question, whether the vote of Missouri should be enumerated, and the disturbance could be allayed only by the adjournment of the house.

The rejection of the report of the committee of thirteen produced the deepest sensation in and out of congress. All appeared to be startled at the situation in which the question was now left. Even those, who had done the most to produce this lamentable state of things, seemed to tremble at their own doings, like the eastern magician, who had raised up a fiend unawares by his unholy incantations. Every heart began to yield to despair. Mr. Clay thought it best to leave this feeling to operate, for a few days, without control. Perhaps he himself felt embarrassment as to the next expedient to be adopted. The majority of the house had repeatedly decided against the unconditional admission of Missouri. There was no hope of changing that majority, whatever might be its convictions. It had gone too far to recede. The same majority had now decided against the admission of the state under the only condition that appeared defensible. What more could be done?

During the repeated debates, to which this question

gave rise, Mr. Clay, deeply penetrated with its immense importance, preserved a firm and unshaken countenance. Endeavouring to detach the majority from its leaders, he would sometimes assail the latter with an impetuosity, which bore them down, as if their strength had been but that of infancy. He would say to them—what is your plan as to Missouri? She is no longer a territory. She is a state, whether admitted into the union or not. She is capable of self-government, and she is governing herself. Do you mean to force her permanently from the union? Do you mean to lose the vast publick domain, which lies within her limits? Do you intend to drive her back to a territorial condition? Do you intend to coerce her to alter her constitution? *How* will you do all this? Is it your design to employ the bayonet? We tell you frankly our views. They are to admit her absolutely if we can, and, not, with the condition which we have offered. You are bound to disclose your views with equal frankness. You aspire to be thought statesmen. As sagacious and enlightened statesmen, you should look forward to the useful future, and let the country understand what is your remedy for the evils which lie before us.

To all this, what could the restrictionists reply? Nothing. They had no plan for the future, and they offered none. They could only say, that they wished the whole subject to be referred to the next congress. Where would have been the advantage of this? It was evident, that same difficulty would again arise, unless, indeed, the minority and the union should, during the intervening period, be swallowed up together in the wild vortex of civil war. Various proposals were, at length, made in the two sessions by members of the majority, indicating a desire to decide the question: but none of them appeared acceptable. Clay, to whom the eyes of congress and of the nation

were still turned, as the only person capable of producing an accommodation, finally submitted, *on the birth-day of the Father of his country*, the following resolution:

"Resolved, that a committee be appointed, on the part of the house, jointly with such committee as may be appointed on the part of the senate, to consider and report to the senate and house of representatives respectively, whether it be expedient or not to make provision for the admission of Missouri into the union on the same footing as the original states, and for the due execution of the laws of the United States within Missouri; and, if not, whether any other and what provision, adapted to her actual condition, ought to be made by law."

The resolution was adopted by a majority of near two thirds of the house, and was subsequently agreed to in the senate by a still larger majority. To give dignity and solemnity to the proceedings, and to increase the chances of a successful result, Mr. Clay proposed, that the committee should consist of twenty-three members, answering to the number of states in the union, and that the members should be appointed by ballot. Such a thing had never taken place in the house of representatives. The proposition, however, was sustained. Members from all parts of the house now repaired to Mr. Clay for a list of the members whom he wished associated with him on the committee. He had prepared such a list, comprehending a sufficient number of those members of the majority whose minds were believed favourable to an accommodation, to secure the passage of any resolution, on which the committee might generally agree. Although the process of balloting for a large committee, in such a numerous body as the house of representatives, is necessarily tedious and inconvenient, so great was the general deference to the opinions and wishes of Mr. Clay, that seventeen members were elected

from his list on the first ballot. On the second ballot, the residue of the committee was principally made up from the same list. Thus it appears, that even the advocates for the exclusion of Missouri from the union, still regarded Mr. Clay with reverence. Incensed as they were at his whole party, for him they could feel nothing but respect and veneration. Although they saw, that, in his single person, he was exercising against them the influence of more than twenty men, they knew that his motives were above reproach. They knew, that

—“ Every end he aimed at was his country’s,
His God’s, and truth’s.”

On the meeting of the joint committees of the two houses, which took place on the 25th of February, 1821, a preliminary difficulty arose. Mr. Clay was chairman of the committee of the house, and Mr. Holmes of that of the senate. Which chairman was to preside in the joint session? To obviate this difficulty, Mr. Clay proposed that each chairman should preside over the committee to which he belonged, and collect the sense of that committee on every motion which might be submitted. The proposal was accepted. The committees had a long and arduous session, during which the subject of the admission of Missouri was fully considered and discussed. Mr. Clay exhorted the members of the committee to mutual concession, telling them, that it would be in vain to report to the house any plan of accommodation, which they themselves, whatever party they had belonged, should refuse to support in the final vote. Having impressed their minds with this truth, he interrogated them separately on every distinct proposition. Finally a resolution was agreed upon, so many of the members of the committee as to authorize a confident expectation, that it would be sustained by

a majority of the house. It did not vary essentially from that which had been previously reported by the committee of thirteen.

The next day, the resolution was reported to the house, and Mr. Clay explained the proceedings of the committee. A short discussion ensued, which was closed by a call for the previous question. *The resolution was adopted by a majority of eighty-seven to eighty-one, and sent to the senate, who promptly agreed to it.* The solemn publick act, which it required of the legislature of Missouri, was passed; the proclamation of the president was thereupon issued; and the new state was, at last, admitted into the union, and her senators and representatives, at the succeeding session of congress, took their seats.

Such was the ultimate issue of this momentous question. Its publick annunciation was received with the highest transports of joy. These burst forth in exclamations, that Mr. Clay was the second Washington—the saviour of his country—the pacifier of ten millions of people. Even in those states, whose representatives had been the most inflexibly opposed to the admission of Missouri, the intelligence of the issue of the controversy was received with silent satisfaction or open demonstrations of approbation; whilst, in Missouri herself, a deep and pervasive sentiment of gratitude was felt and evinced towards her successful advocate. We know not but this was the proudest day that Mr. C. had ever witnessed. What now was wanting for the consummation of his glory? He had done what no one else, but the great Director of events, could have accomplished. He had poured the oil of peace upon the stormy sea, when the heavens above were black with an unnatural night, and the ship of state was running wild before the tempest, and every mast quivering, as if recoiling from the stroke of the falling thunderbolt.

The speeches, delivered from time to time by Mr. Clay during the discussion of the Missouri question, have never been published. The journals of the day have not recorded what he said, but what he did. He probably was too entirely occupied with the great object, which he had at heart, to attend to the preparation or revisal of his remarks. All his care for fame was lost in patriotism. We have understood, that he occupied himself almost incessantly, night and day, in and out of the house, in the pacification of congress. Upon the arrival of any person of influence or consideration at Washington, Mr. C. would immediately address him, and endeavour to enlist him in favour of the settlement of the great question, or, if that could not be effected, to persuade him to take a neutral part. So great was his excitement, so intense the interest he felt, and so unremitting his bodily exertion, that he has frequently been heard to declare, that his health, and, in all probability, his life, would have been lost, if the admission of Missouri had been deferred a fortnight longer.

It is with regret we record the fact, that, whilst this subject was before the house in 1820, and the fury of the opposing parties was at its height, a project was started by certain gentlemen of the minority, that the members from the slaveholding states should secede from the house in a body, and leave the representatives from the other states in exclusive possession of it. The success of this project could have carried with it the instant downfall of the publick.

One night, when the house was engaged in debating a great question, and there seemed but a faint prospect of adjustment, Mr. Randolph accosted Mr. Clay, who, for moment, was absent from the chair, and said to him— Mr. Speaker, I wish you would quit the chair and leave the house; I will follow you to Kentucky or any where

else." Mr. R. was told, in reply, that his proposition was a very serious one; and that, if he would meet Mr. C. the next morning in the speaker's room, the latter would converse with him fully on the whole subject. The interview accordingly took place, and the parties had a long conversation, relating principally to the propriety of a compromise. Mr. Randolph was decidedly opposed to any compromise, and Mr. Clay was in favour of acceding to one, if it could be done without any sacrifice of principle. Each maintained his opinions, respectfully, but with firmness. We may here remark, by the way, that, towards the termination of this interview, mutual explanations were made by Messrs. C. and R. in regard to some previous personal differences, which they agreed to forget, and, thenceforward, to be upon good terms. *They never exchanged salutations or spoke to each other again during that session.* Soon after the interview, Mr. Clay was successively informed, by a senator of the United States and a member of the house of representatives, both of whom are now living, that Mr. Randolph had been attending the gallant and lamented Decatur in his last moments, and gazing on his corpse; that the melancholy scene had greatly excited him, and inspired him with a desire to have, like Decatur, an affair of honour; and that he was known to wish it with Mr. Clay. These communications naturally made Mr. C. regard Mr. Randolph's manner, at their next meeting, with some attention; and, as he believed it to be repulsive, the parties met, as they ever afterwards did during that session, without speaking to each other.

With one of the gentlemen above referred to, Mr. Randolph, at the session of 1821, used every persuasive artifice to prevent his agreeing to a settlement of the Missouri question. Amongst other reasons, he urged, that if the

controversy should be adjusted, the effect would be to secure Mr. Clay's election to the presidency of the United States. Even Mr. Clay's personal enemies, it seems, were aware, that, if he succeeded in giving peace to the country at that perilous day, no reward would be thought too glorious for his services.

SECTION SEVENTH.

ALTHOUGH it was Mr. Clay's earnest desire to devote himself exclusively to the regular practice of law after his retirement from congress, at the close of the congressional session of 1819-20, his fellow citizens still continued to importune him for his publick services. Among other appointments, he was, in 1822, delegated, in conjunction with Mr. Bibb, now a senator in congress, to attend the sittings of the Virginia legislature, for the purpose of procuring an equitable adjustment of certain land claims in Kentucky. We allude to this fact on account of an amusing incident that occurred in the course of the application.

It is well known, that the land laws of Kentucky have been a source of much litigation and perplexity. Prior to its separation from Virginia, it was chiefly settled by emigrants from the latter state, who made purchases of large tracts of land, not doubting that the titles, which were holden under the authority of Virginia, were perfectly good. They discovered soon afterward, however, that nearly the whole of the Kentucky territory was literally "shingled over with titles;" and one claim gave way to another only to be superseded, in turn, by others of still earlier date. It was thought by the people of Kentucky, that Virginia was morally bound to indemnify the sufferers under her laws. To remedy the hardships of their condition, the general assembly of Kentucky had passed various statutes, known under the denomination of the "occupying claimants' laws." Their validity under the compact between the two states, by which Kentucky

became independent, was controverted. To provide a mode for settling that question, and, at the same time, some claims which the state of Virginia had upon the lands south of Green River, in the limits of Kentucky, Messrs. Clay and Bibb were deputed as commissioners, to make application to the legislature of the former state.

After considerable exertion, the two delegates obtained a hearing before that body; and Mr. C. is said to have made one of his finest efforts. In the course of his appeal, he alluded, with the most heart-stirring pathos, to the condition of those men who had gone out from Virginia to seek a home in a sister state, and were afterwards driven from their temporary refuge by the tyranny of the law. The mournful feeling of the emigrant, sobbing an adieu to the tombs and temples of his fathers—his toils and sufferings in building up a new habitation, and gathering the manna of Heaven, like the children of Israel, from the bosom of the wilderness. These things were dwelt on by Mr. Clay with a depth and fervour of feeling, to which every heart passionately responded. It was known, that the orator himself, before the silken locks of boyhood were yet dark upon his temples, had gone from his own land in poverty to establish his fortunes in a stranger-land; and this circumstance caused his eloquence to sink upon the passions of his hearers with a still deeper spell. In the midst of one of his finest passages, it occurred to him to quote these beautiful and affecting lines of Sir Walter Scott:

“ Lives there a heart so cold and dead,
That never to itself hath said,
This is my own, my native land !”

He began the quotation, but the words escaped his memory, and he could not proceed. It was one of those mo-

ments the most trying to a publick speaker, and the most decisive of his presence of mind. Without manifesting the least hesitation, Mr. C. pressed his hand upon his brow, until he could recal the language of his author, and then proceeded to repeat it in his most impassioned manner. The effect was like that of magick. Every spectator believed, that, when the orator clasped his forehead in silence, the memory of other years was swelling in his bosom and choking his utterance with tears; and, from all parts of the hall, there was an answering gush, as if every heart had been dissolved to a fountain in that one flow of passion.

The mission of Messrs. Clay and Bibb led to the appointment, in the course of the year, of B. W. Leigh, Esq. to treat in behalf of Virginia, with the state of Kentucky, of the subjects on which they had been sent. Mr. Clay was appointed to conduct the negociation on the part of Kentucky, with Mr. Leigh. They concluded, at Ashland, a convention, which was ratified by the legislature of Kentucky and by the house of delegates of Virginia, but was rejected in her senate by a small majority.

Mr. Clay, at the earnest and repeated solicitations of his fellow citizens, accepted a re-appointment to congress in the summer of 1823. By the profits of a legal practice of less than three years, he had retrieved his pecuniary losses, and could now afford, once more, to devote his time to the service of his country.

At the commencement of the session his name was again presented for the distinguished honour of presiding in the house; and he was elected to the chair, in opposition to Mr. P. P. Barbour, of Virginia, a highly popular member, who had filled the chair during the preceding congress, by a majority of more than three fourths of the

members. The following *jeu d'esprit* appeared shortly after:

"As near the Potomack's broad stream t'other day,
Fair LIBERTY wandered all pensive along,
Deep pondering the future—unheeding her way—
She met goddess NATURE, her mother, at dawn.
'Good mother,' she cried, 'deign to help me at need!
I must make for my guardians a Speaker to-day,
The first in the world I would give them'—'Indeed!
When I made the first speaker, I made him of CLAY.'"

It was in the course of this session of congress, that the subject of the Greek revolution, so familiar to all christendom, was discussed in the house of representatives. Greece was then fighting for deliverance from her ancient inheritance of bondage, with a bravery unsurpassed by the heroes of her olden time. Her beautiful isles, that floated like perennial blossoms upon the bosom of her waters, had been dyed in gore; the lava-stream of war had left her plains and valleys an herbless and blackened waste; her women and children were sinking beneath the slow and lingering tortures of famine; but still she met her oppressor with an undaunted front, and struck home with an arm nerved for vengeance by the hoarded wrongs of centuries. Food and clothing were sent from the United States for the relief of her sufferings; our patriots were drawing their swords in her cause; and, throughout the whole country, there was a pervading anxiety, that our government should do every thing for Greece, that was consistent with the laws of nations.

Mr. Webster presented to the house of representatives, in January, a resolution providing for the recognition of the independence of Greece, and sustained it in a speech, which will long be remembered as an honour to his talents and his character. Mr. Clay, true to the principles which

he had so often and so gloriously vindicated, when the independence of South America was under the consideration of the house, came promptly forward to the support of Mr. Webster, and, although his speech was not long, it was one of the most powerful bursts of mind ever witnessed upon the floor of congress. The speaker appeared, as he proceeded, to gather within himself the great and enthusiastick thoughts of all the patriots of ancient and modern times, and send them out in a torrent, deep, rapid, and magnificent.

The arguments which Mr. Clay used on this occasion, were advanced in the same spirit with those by which he had procured the recognition of South America. There were the same sympathy for the oppressed, the same deep and holy love of liberty, the same execration of tyranny, and the same going forth of the soul to embrace mankind in one great plan of benevolence. We have room but for the following paragraph, taken from among the last of the speech :

"What appearance, Mr. Chairman, on the page of history, would a record like this exhibit? 'In the month of January, in the year of our Lord and Saviour, 1824, while all European Christendom beheld with cold and unfeeling indifference the unexampled wrongs and inexpressible miseries of Christian Greece, a proposition was made in the congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising and solemnly and anxiously supplicating and invoking high Heaven to spare and succour Greece, and to invigorate her arms, in her glorious course, while temples and senate-houses were alike

resounding with one burst of generous and holy sympathy; in the year of our Lord and Saviour—that Saviour of Greece and of us—a proposition was offered in the American congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies—and it was rejected! Go home, if you can—go home, if you dare, to your constituents, and tell them, that you voted it down—meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments—that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose—that the spectres of scimitars, and crowns, and crescents, gleamed before you, and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity."

Notwithstanding the combined efforts of the two greatest men in congress, the resolution in favour of sending a minister to Greece was not sustained by a majority.

It is a distinguishing characteristick of Mr. Clay, that he rarely desists from a great effort till his labours meet with the reward of success. He regards one, two, or three defeats, as of little consequence, provided he can accomplish, in the fourth, the great object which he has at heart. It is true, he had not an opportunity of renewing in congress the discussion of the independence of Greece, but we shall see, in the progress of his history, that he kept the object constantly in view, till, by one well-imagined and memorable act, he contributed to give peace, and liberty, and happiness, to that distracted and suffering country.

While the question of the recognition of Greece was before the house of representatives, a new member from New-Hampshire, who has since gained a good reputation

for talents, assailed Mr. Clay with unjustifiable personalities. There was no doubt but he did this, from motives of vanity. He wished to bring himself into immediate notice by becoming a party in an encounter with the greatest man in congress. Whatever his motive may have been, he certainly had cause to rue the result. Mr. Clay turned upon him, and, with a tone and manner of half pity and half indignation, humbled his vaulting spirit so effectually, that he was scarcely seen to rise in his place again for two or three years.

Probably no other session of congress was ever passed so laboriously by Mr. Clay as that of 1824. It was during that session, as our readers may recollect, that he ultimately carried the great measures of the tariff (4) and of South American independence; and his exertions, on other important questions, were such as no other man at that day could have made. His control over the legislation of the United States, although he was but a member of the house of representatives, had long been greater than that of the executive, as was occasionally proved by trials of strength between them. Mr. Monroe was deservedly a popular man; but, with all his popularity and official influence, he was usually compelled to submit his own wishes to those of Mr. Clay.

(4) See Appendix.

SECTION EIGHTH.

PASSING over various important events in Mr. Clay's history, we come now to speak of the part which he took in the presidential election of 1825. It is well remembered by the community, that, as early as 1822, five gentlemen, Messrs. John Q. Adams, Henry Clay, Andrew Jackson, William H Crawford, and John C. Calhoun, were announced by their respective friends as candidates for the presidency. The earnestness with which the canvass was conducted, is familiar to all. For a long time, the issue could not be anticipated with any degree of confidence. There seemed a moral certainty, that no choice would be made by the people; and much speculation was indulged as to which three of the candidates would be returned to the house of representatives. Mr. Clay was nominated by the legislatures of Ohio, Kentucky, Louisiana, and Missouri; and his party was so numerous in most of the other states, that there was every prospect of his being one of the three successful competitors. The probabilities of such an event appeared strong up to the time of the appointment of electors in Louisiana, the vote of which state would have carried him into the house, to the exclusion of Mr. Crawford. The electors in Louisiana were to be appointed by the legislature, and it was well known, that a majority of the members were Mr. Clay's political friends. The fact had been proved by his previous nomination in that body. Those of the members, who were friendly to the other candidates, proposed, of

their own accord, to let Mr. Clay have four of the five electoral votes; but his supporters were conscious of their strength, and would agree to no compromise. As the time for the appointment of electors approached, however, three or four of Mr. C.'s friends became so indisposed as to be unable to attend the sittings of the legislature. Taking advantage of this circumstance, the friends of Mr. Adams and General Jackson formed a coalition, by the terms of which, two of the electoral votes were to be given to the former, and three to the latter. The arrangement was carried into effect by a majority of thirty to twenty-nine; and Mr. Clay was consequently excluded from the house of representatives. Had he gone into the house, his extreme popularity there, however small his electoral vote might have been, would probably have enabled him to secure the office of president in spite of all competition; but it is worthy of remark, and will remain a lasting honour to his character, that he had resolved, even when there was almost an absolute certainty of his being one of the three highest candidates on the list, to withdraw his name, as soon as the question should come before the representatives of the nation. Finding, toward the close of the canvass, that he was likely to go into the house with a smaller number of votes than either General Jackson or Mr. Adams, he communicated to senator Johnson, of Louisiana, and several other gentlemen, his resolution to retire from the contest, in order that the election might be the more readily and amicably decided. Such a spirit of magnanimity and patriotism it is impossible not to admire; but we fear there are few, who could bring themselves to imitate it.

It was finally ascertained, that the three candidates returned to the house by the electoral colleges, were Andrew Jackson, John Q. Adams, and William H. Crawford; the

first of whom had received ninety-nine votes, the second eighty-four, and the third forty-one. This result was ascertained toward the close of December, 1824. Of course, now devolved on Mr. Clay, as a member of the house, determine which one of these three competitors should receive his vote. Several weeks were to intervene before the election, and the friends of the rival candidates immediately began to beset Mr. Clay with flatteries and caresses. He expressed the most heart-felt regret, that he had not then returned to the house. In a letter written to a friend at that time, he remarked—"I am enjoying, whilst alive, the posthumous honours which are usually awarded to the illustrious dead." The object of these ostentatious and obtrusive honours could not be unknown to him. He knew, that his vote and influence were sought for by almost every man, who approached him. Under these circumstances, what was his duty? To become instantly an active and noisy partizan? Every consideration of efficacy and propriety forbade it. He himself had but recently been a candidate for the presidency; each of the candidates now before the house had been his rival, and he had been theirs; the relation he had borne to them was of most delicate nature; and hence he could not permit himself to go out into publick places to proclaim his pretences and electioneer for his favourite. With his personal friends he freely interchanged opinions, but, in conversation with others, he deemed it fitting that the subject of the presidency should be waived altogether.

His commendable and decorous reserve of Mr. Clay soon noticed, and made a theme of much and various speculation. It was thought a strange and mysterious thing, that, while the din of conflict was in his ears, he did not instantly enlist under one of his late rivals, and reduce himself to the level of a common belligerant. Omi-

nous hints began to be made to him in conversation; anonymous letters, full of abusive and threatening language, were daily and almost hourly addressed to him; and a systematick attack, the signal-word for which had gone forth from Washington, was commenced simultaneously in every part of the country. It was believed that his influence might decide the election; and no means, that gave promise of awing his spirit, were left unpractised. All these things he bore with an unbending fortitude. In a subsequent letter to his constituents, he said—“I bore them, I trust, as *your* representative ought to have borne them, and as became me.”

It is possible, that some of Mr. Clay's friends, at length, hinted in conversation, that he would probably prefer Mr. Adams to either of the other candidates. However this may have been, a letter was published in Philadelphia, purporting to have been written by a member of the Pennsylvania delegation in congress, and stating, *that overtures were said to have been made to the friends of Clay, offering him the appointment of secretary of state, for his aid to elect Mr. Adams, and that the overtures had been accepted.* This letter was a component part of the machinery, that had been put in operation to frighten him; but, when he saw it, he considered himself at liberty to be silent no longer. He was the presiding officer of the house; a member of that house had publicly charged him with corruption; his character was at stake; and he felt that every motive of honour and of self-respect required him to act decisively. Without delay, he published a card in the National Intelligencer, denying, in strong and indignant terms, the charges of the Philadelphia letter, and calling upon the author to avow himself and sustain them. In a few days, Mr. George Kremer, a member of congress from Pennsylvania, published an answering card, declar-

g himself the author of the letter, and stating, that, so far as the character of Mr. Clay was concerned, he stood prepared to make good his allegations. This card, though appearing under the name of Mr. Kremer, was probably written by John H. Eaton, the present secretary of war. This gentleman was, at least, closeted with Mr. Kremer a long time on the night previous to its publication; and, in a correspondence which Mr. Clay subsequently held with Major E., the latter did not deny the authorship of the card, although directly charged with it. Every thing went to prove, that, in the whole transaction, Mr. Kremer was but a passive instrument in hands invisible. In the card he was made to avow himself the author of the Philadelphia letter; but, afterwards, he frankly told Mr. Crowninshield, a member of congress from Massachusetts, and formerly secretary of war, that he was *not* author of it.

A few hours after the appearance of Mr. Kremer's card, Clay made an ingenuous and dignified communication to the house, alluding to Mr. K.'s publication, and modestly requesting an investigation of his own conduct. Kremer immediately arose in his place, and repeated, that he had said nothing against Mr. Clay, which he was ready to substantiate before the house. On the following day the subject came up for consideration, and, in course of the discussion, Mr. Kremer said to Mr. Brent, of Louisiana, and to Mr. Little, of Maryland, the latter a friend of General Jackson, "that he never intended to give Mr. C. with corruption or dishonour in his intended vote for Mr. Adams as president, or that he had deferred or could transfer the votes or interests of his friends; that he (Mr. Kremer) was among the last men in the nation to make such a charge AGAINST MR. CLAY; that his letter was never intended to convey the idea

given to it." To this declaration of Mr. Kremer, Messrs. Brent and Little have both certified. Mr. Diggles, a distinguished citizen of Washington, has certified, that Mr. K. made the same declaration in his presence. The discussion, however, proceeded; and, very soon, a member of the house, friendly to Mr. Kremer, carried to Mr. Clay the copy of an explanation, which, he said, that Mr. K. was ready to make before the house, if Mr. C. would be satisfied with it. This explanation went to absolve Mr. Clay entirely from any charge which had been preferred against him. To the member, who presented it, Mr. C. replied, that the subject-matter was before the representatives of the nation, whence it could not properly be withdrawn by him. Shortly afterwards, Mr. Ingham of Pennsylvania, the present secretary of the treasury, got possession of Mr. Kremer's written explanation, deposited it safely in his pocket, and earnestly cautioned Mr. K. against adopting a single measure in the affair without first taking the advice of his political friends. Still Mr. K.'s conscience was ill at ease; and he told Mr. Cooke of Illinois, that he was resolved to apologize to Mr. C. before the house on the following day. On this ground, Mr. Cooke moved for an adjournment; and the house accordingly adjourned, after having referred the investigation to a committee to be appointed on the morrow.

The morrow came; but, with it, came not the promised apology from Mr. Kremer. *He had seen his friends.* A committee of seven members, each member a political opponent of Mr. Clay, was appointed in the house by ballot at his request; and this committee called on Mr. Kremer to substantiate his charges according to promise. To do this he had no power. To retract his charges and do Mr. Clay justice was contrary to the express instructions of his friends. Only one course remained. His officious

friends drew up in his name an elaborate communication to the committee, stating, that, as the affair under investigation was one, over which the house had no constitutional authority, he should decline responding to the call made on him.(5) Here the matter terminated; and who could then suppose, that Mr. Clay's enemies would ever again dare to repeat Mr. Kremer's charge? Here was a full opportunity for the investigation; the tribunal was precisely such a one, as they would have selected; the proofs, if any existed, were new and at hand; the accuser, whom they had thrust forward, was on the ground;—and yet what did they do? Shrunk from the investigation, cast the veil, which they had spread over their conduct, should be rent away by the iron hand of truth, and the unlight of heaven let in upon their nameless abominations. To guard themselves against detection, they put their hands upon the mouth of their champion, smothered all his generous impulses, hid his confessions in their pockets, and compelled him to be as silent as if he had been stricken dumb by the wrath of heaven.

After this infamous mockery had passed by, Mr. Clay, as the election in the house was yet to take place, had a full opportunity to look around him; to examine his situation in reference to the past, the present, and the future; and judge deliberately and dispassionately of the course, which duty required him to pursue. He knew, that all eyes were upon him. He was aware, that he could vote for either of the three candidates, without exposing himself to the keenest and deadliest arrows of partizan vengeance; but his was not a spirit to shrink from his responsibility to his country, on account of personal or political considerations.

In examining into his duty, the comparative number of

(5) See Appendix.

votes, with which the three competitors came before the house, was made a subject of long and patient reflection. Some politicians have contended, that, when a presidential election devolves on the house, the representative has no right to exercise his discretion, but is under an imperative obligation to vote for the candidate, who has received a plurality of votes in the electoral colleges. Mr. Clay justly considered such a doctrine absurd. The constitution says, "*from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, a president.*" Mr. C. very naturally concluded, that the authority to "choose" necessarily implied a *discretion* on the part of the representative. If the framers of the constitution had designed, that the representative, in such a case, should not act as a free agent, but be constrained to vote for the candidate highest on the electoral list, they would not have referred the decision to the house of representatives at all. They would have made a plurality of votes in the electoral colleges decisive of the election. Those political fathers of our country preferred, however, that, in cases where the people of the United States were too distracted in sentiment to give a majority of votes to any one presidential candidate, the wisdom and good sense of the house of representatives should constitute the guarantee of a correct decision. What, then, is the province of the representative? If he refuses the exercise of the discretion required of him, and submits his judgment to a criterion, which the constitution has pronounced unsafe, he is a traitor to the constitution, a traitor to his country. Mr. Clay believed, that nothing could be more untrue than the supposition, that 99, out of 216 electoral votes, ought to exercise an absolute control over the remaining 162; or, in other words, that the electoral votes

of a minority of the states could operate as a binding instruction upon the congressional representatives of the majority.

Apart from the comparative strength of the three candidates in the electoral colleges, there was another consideration, which demanded Mr. Clay's attention. The legislature of Kentucky had requested him and his colleagues to give their votes for General Jackson. Was this request obligatory on him? He thought differently. The members of the Kentucky legislature were not his constituents more than he was theirs; and had no more right to control him than he to control them. No other legislature interfered with the election in the house; and that of Kentucky unquestionably transcended its duty, not to say its dignity. A large meeting of the citizens of the district, which Mr. Clay represented, communicated to him their disapprobation of the resolution of the legislature, and instructed him to vote according to his own best judgment.(6) It is a singular fact, that, at the present day, the very men, who, for the purpose of injuring Mr. Clay, contend, that the will of a state legislature is, to all intents and purposes, obligatory on the representative in voting for president, contend also, that a plurality of suffrages in the electoral colleges is *equally* obligatory. *Both* these doctrines cannot be correct; and it appears sufficiently plain, that *neither* of them is correct.

Esteeming it not only his privilege but his duty to judge for himself, Mr. Clay found it necessary to examine the comparative qualifications and claims of the three candidates.

Mr. Crawford soon appeared to be wholly out of the question. He had been a paralytic nearly two years, and

(6) See Appendix.

there was no probability of his restoration to such a measure of health, as would enable him to discharge the duties of the presidential office. The spirit of partisan misrepresentation had striven, with some success, to mislead the public as to his condition; but Mr. Clay knew, from indubitable sources, that his election, under the circumstances which then existed, would be an imposition upon the country. The fact has since been universally admitted. Mr. Clay, in a written address, which he prepared for his constituents near that time, described Mr. Crawford's condition plainly and without disguise. General Lafayette, to whom the manuscript was submitted, noted the passage, and begged Mr. Clay to soften it, if possible. "We know," said the venerable man, "that this is all true; but may not the promulgation of it have a tendency to depress our friend Crawford's feelings, and render his situation more unpleasant and dangerous?" Mr. Clay acquiesced, without hesitation, in the kind suggestion of Lafayette, and changed the phraseology of his address, in a manner to render it unobjectionable. Aside too from considerations of Mr. Crawford's bodily debility and impaired mental faculties, Mr. Clay knew, that the votes of the western states in congress, would not be sufficient to elect him. They would have had no other effect than to give birth to the acrimony and fury of a protracted conflict; and, after all, the house would have been brought to a decision between Adams and Jackson.

Between these two men, Mr. C. felt himself constrained to choose. He knew that, if he chose Mr. Adams, the dark spirit of his enemies, which had already been manifest, would again break loose and rage with increased fury for its victim. Still, how could he hesitate? Before leaving Kentucky, he had declared to Dr. Drake, a medical professor in Transylvania university, to John T.

Crittenden, a distinguished citizen and attorney of Frankfort, and to other gentlemen, with whom he had conversed on approaching events, that his determination was fixed to vote for Mr. Adams, if the final contest should be between Adams and Jackson. He had declared this at home; he had declared it on his way to Washington; and he had declared it, though not obtrusively, after his arrival. He had said that he could be induced to vote for Jackson by no consideration short of an actual and unavoidable necessity. That Mr. Clay had made these declarations, not once, or twice, but undisguisedly, on all proper occasions, has been shown by the testimony of Lafayette, and many of the best and greatest men in our own country; and, amid all the partisan falsehoods and calumnies of the times, not an individual has been found so audacious as to say, that he ever heard Mr. Clay intimate a possibility of his supporting General Jackson for the chief magistracy in any contingency.

General Jackson himself did not anticipate Mr. Clay's support. General Call, who travelled with Jackson to Washington in the autumn of 1824, and who, of course, was familiar with the opinions of his companion in relation to the engrossing topic of the day, publicly declared, on the journey, that "Jackson's friends did not expect Mr. Clay to vote for him, and, if he did so, it would be an act of duplicity."

Mr. Clay's reasons for not choosing to support General Jackson for the presidency are obvious. He could not do, without incurring the censure of the country, and the abuse of his own conscience. He knew that Jackson, although a successful general, possessed so few of the qualifications of a civilian, that he had resigned several secondary state offices, assigning as a reason, his incompetency to discharge their duties. He knew that Jackson, even in his military capacity, had repeatedly broken that consti-

tution, which it is the duty of the American people to guard with their lives. With an eloquence, that will kindle a flame in the hearts of posterity, he had endeavoured to bring the hero to justice for his conduct in the Seminole war. He had charged him with having violated the common law of the land, and the common law of humanity, in the murder of Indian prisoners; with having spurned his own court martial under foot, and outraged its authority; with having usurped the war-making power of congress, and, in reckless defiance of governmental orders, sacked the fortresses of the Spanish king; before the nation he had charged him with all these things, and predicted, that, if the offender was suffered to pass uncensured, the example might be the first in a train of events, which would leave the spots of death upon our infant republick. With what overwhelming force would not the enemies of Mr. Clay have been able to assail him, if, after expressing such opinions of the conduct and deserts of General Jackson, he had given him his vote for the presidency of the United States!

Probably Mr. Clay had not yet forgotten—what many others still remember—that, when General Jackson was announced to the American people as a candidate for the presidency, the nomination was universally considered too absurd to have been made in good faith. A proposition to send out our venerable chief justice and his associates on the bench, as commodore and captains of a Mediterranean squadron, could not have been regarded as more fantastical. The impression soon became general, that Jackson had been put forward for the single purpose of dividing the West, and thereby defeating the election of Mr. Clay. Mr. C.'s friends, at the present day, have no doubt of the fact.

As for Mr. Adams, Mr. C. knew, from having been often

associated with him in the most important of our national transactions at home and abroad, that he was a civilian of powerful intellect; of strong and dispassionate judgment; and of almost unexampled learning and experience in the policy and laws of the United States. He knew that Mr. Adams, more than any other man, was familiar with the origin, progress, and condition of our negotiations with foreign powers. It is true, that, during the discussions at Ghent, Messrs. Clay and Adams had entertained a difference of opinion upon a single question of expediency; but there could surely be no reason why Mr. Clay, from so trivial a consideration, should forever renounce all political fellowship with his illustrious opponent, and deem him equally censurable with a man, who had walked over laws and constitutions, as if they had been "but dust beneath his sandals."

Another reason for Mr. Clay's preference of Mr. Adams has always struck us with peculiar force. Mr. C. had been labouring, during the best years of his life, to establish the systems of Internal Improvement and American industry; and now he had just succeeded in placing them both upon firm foundations. It was his duty and his wish to guard them. How was this to be done? Not by the elevation of a man to the chief magistracy, who would wield against them the whole vast power of his office. Mr. Clay believed Mr. Adams to be a friend to these systems; and knew that, from his local situation in the country, he would be under the necessity of supporting them. On the other hand, he believed Mr. Crawford and General Jackson to be enemies to those systems; and knew that, from their local situations, they would be forced to oppose them. What, then, was the course required of him? To prefer men to principles? To prostrate the stupendous work of years by a single act of infatuation? To offer up the glory

of his life—upon the low altar of a partisan preference? No, no—this was not the duty of Henry Clay.

When the day of trial arrived, Mr. C. gave his vote (7) for Mr. Adams, and the latter became president. In the appointment of a secretary of state, Mr. A. could have no hesitation. Mr. Clay was the one prominent man. Had the question been referred to the people of the United States, they would have appointed him, as with one voice. He preferred his place as speaker of the house of representatives, and would not have accepted the secretaryship, had he not been previously instrumental in Mr. Adams's election. He did not think it proper, after having assisted in elevating a man to the presidency, to withhold his own aid from the administration of the government.

For some time it seemed as if partisan vengeance would soon consent to desist from the pursuit of Mr. Clay; but a distinguished accuser at length appeared against him. It was General Jackson. This gentleman began to assert in private circles, that he himself might probably have been president, *had he but offered Mr. Clay the secretaryship.* It seems strange, that the rage and mortification of political discomfiture could inspire, even in a mind enfeebled by age and perverted by long-cherished passions, an idea so utterly preposterous. Mr. Clay had, long before, declined the voluntary offer of a place in the cabinet of the illustrious Madison; he had declined the same offer under the administration of Mr. Monroe, who had also tendered him the mission to England, or any other foreign mission he might prefer; and it would have been strange, indeed, if, after all this, he had felt a longing to sell his integrity, his soul, and his country, for a place in the cabinet of Jackson. There was never a paradox in the whole range of

(7) See Appendix.

noral, physical, and intellectual science—never a fantasy
n the feeblest dreams of a sick man—more inexpressibly
bsurd, than the supposition of such a fact. There
as, at that day, no publick officer in America, upon
whom Henry Clay could not look down from his
wn proud eminence; and sorry we were to hear
im charged with an attempt to *bargain for the privi-*
lege of descending into a secretaryship under Andrew
Jackson.

Not satisfied with private hints and declarations, Mr. Clay's distinguished accuser finally stated, in a publick letter, that overtures of bargain had been made to him, during the pendency of the presidential election in the house of representatives, by the friends of Mr. Clay. With his usual promptitude of character, Mr. Clay demanded through whom those overtures had been made. In reply, General Jackson gave up the name of Mr. James Buchanan, one of his own personal and political friends. Mr. Buchanan, however, was an honourable man, and hesitated not to say publickly, that he had never made to General Jackson the overtures in question, or any that bore the least resemblance to them. The principal accuser was now silent; but his partisans stopped their ears and shut their eyes to the proofs of Mr. Clay's innocence, and cried—"away with him!" "away with him!"

In January, 1828, Mr. C. made his final appeal to the publick. He issued a pamphlet, wherein he had brought forward, in one powerful array, the testimony of the western delegation of 1825, for the vindication of his own character, and the refutation of the charges of General Jackson and his other enemies. The whole delegation testified, that Mr. Clay had never attempted to influence their votes, and that they had never heard him express, and had never themselves expressed, a willingness to vote

for General Jackson upon any conditions, which it was in the power of earthly greatness to offer. There was never a publication more conclusive and triumphant than this pamphlet of Mr. Clay. The following are his closing remarks. "I make no appeal to publick sympathy. I invoke only stern justice. If truth has not lost its force, reason its sway, and the fountains of justice their purity, the decision must be auspicious. With a firm reliance upon the enlightened judgement of the publick, and conscious of the zeal and uprightness with which I have executed every trust committed to my care, I await the event without alarm or apprehension. Whatever it may be, my anxious hopes will continue for the success of the great cause of human liberty, and of those high interests of national policy, to the promotion of which, the best exertions of my life have been faithfully dedicated. And my humble but earnest prayers will be unremitting, that all danger may be averted from our common country; and especially, that our union, our liberty, and our institutions, may long survive, a cheering exception from the operations of that fatal decree, which the voice of all history has hitherto uniformly proclaimed."

It gives us pleasure to know, that the auspicious decision, anticipated by Mr. Clay, has been pronounced by the publick. The story of bargain has now died away, and is one of those reminiscences of a former period, which are called to mind by respectable men, only as an illustration of the enormities to which an intemperate excitement may give a partial and temporary prevalence. In this case, the triumph of truth is a matter of congratulation to the American people; but there is much to shadow the brightness of their joy. It is indeed a dark and fearful thought, that such a man as Henry Clay—one who, from his earliest manhood, has devoted himself to his country,

stood by her in all her trials, shrank from the honours and rewards that were yearly clustering around him as the desert of his toil, and poured forth his sublime orisons to Liberty, till the repubicks of the South and the isles of the Ægean caught up the sound and shouted aloud for joy—ay, it is a very fearful thought, that such a man, in land like this, can be so powerfully assailed with absurd and unsupported calumnies, as to find it necessary to struggle against them, year after year, lest his usefulness, his peace, his name, his very life, should be “lied away.” Such an incident learns us not to wonder, that even the prophets were stoned, and a greater than the prophets condemned as a malefactor. In a country, where truth and justice are the living soul of liberty, an event like this should be looked upon as a deep warning of the necessity of vigilance. Our warning is yet bright; but, if a dark cloud has already passed between us and Heaven, it should admonish us, that the storm may yet burst above us in all its wildness.

PART FOURTH.

SECTION FIRST.

MR. ADAMS commenced the duties of the presidency, and Mr. Clay those of the secretaryship, in March, 1825. The vindication of the measures of the government between the years 1825 and 1829 belongs more properly to the biographer of Mr. Adams than of Mr. Clay. It is within our province, however, to say, that the confidence in Mr. Adams, which Mr. C. evinced by his vote of February, 1825, was not misplaced. The time has not yet come, for a calm and dispassionate judgement to be passed upon the acts of the last administration ; but, in the order of things, it must come, and we believe it is not far distant. Mr. Adams, it is true, was not re-elected by the people to the presidency. He is not the first great and good man, who has been discarded for his very virtues by a misguided populace. Human nature is the same now as when the ancient republics were in their strength ; and, in those days, some of the greatest patriots were hunted into exile, while the votaries of tyranny and blood, whose very paths had been paved with human skulls, received the adulations of the multitude. To those men of the olden time, posterity has already done justice. The name of the persecuted patriot touches our love and veneration, while the memory of the successful tyrant is “ broadening, deepening, blackening, in one eternal progress of infamy.” Thus it must al-

ways be. Justice may sometimes come too late to benefit the living martyr; but, even then, it will hover as a glory over his tomb. There is a "remorse of love," which wronged virtue must sooner or later awaken. It is on such grounds, that Mr. Adams may expect justice—if not from the present generation, at least from posterity. When the spirit of faction shall have spent its strength and died—when the flood of calumny, which, like the stream from the mouth of the Apocalyptic Dragon, has overspread the land with its pestilential tide, shall have passed off into the Dead Sea of common oblivion, the virtue of the last administration will be remembered, and will glow, undimmed over the waste of after corruption, like "night's diamond star" above the dark outline of a sky of storm.

In no one of the executive departments are the labours of the chief so great as in that of the department of state. Every instruction, every despatch, every diplomatic note, transmitted to the numerous American missions abroad, or the foreign ministers at Washington, must be prepared by the state secretary. The labours of the office had greatly increased, when Mr. Clay entered it, by the multiplication of our foreign missions, and the increase of the diplomatic corps at Washington. From the unfortunate state of parties throughout the whole course of Mr. Adams's administration, it was impracticable to obtain that aid, repeatedly solicited, which has been accorded to Mr. Clay's successor. Mr. C.'s health too was delicate and infirm during the whole period of his secretaryship, in much that, in the spring of 1828, he had resolved to retire from office, and stated his resolution to Mr. Adams. Under these circumstances, it was astonishing that he was able to accomplish the vast amount of business that devolved on him.

The following testimonial of Mr. Clay's fidelity and ability in office, we received, a few days since, from Mr. Adams. Mr. A.'s eulogies wear well, for they are never thoughtlessly bestowed:

"**QUINCY, 19th Oct. 1830.**

"**GEORGE D. PRENTICE, Esq. Lexington, Ky.:**

"Sir: The opinion, that I entertained of the talents and services of Mr. Clay, was manifested to the world by the nomination of him, as secretary of state. It had already been made known to him, at the time of his retirement from congress, in 1820. I then informed him, that, in the event of a vacancy in the mission to Great Britain, I should deem it my duty to recommend to the then president, the nomination of him to that office, if it would be acceptable to him.

"Immediately after the close of my administration, an address was transmitted to me by certain citizens of New Jersey, to which I returned forthwith an answer. (8) In that paper, I assigned the motives which had induced me to nominate Mr. Clay to the office of secretary of state. It was published in many of the newspapers, and remains a testimonial from me to Mr. Clay, to which I could now add, and from which I could deduct nothing. With Mr. Clay's administration of the department of state, I was entirely satisfied. The composition of all his official papers was creditable to the country. Through the whole course of the administration, I recollect but one act of his, which I disapproved and lamented. (9) I hope and believe he did the same. The despatch and facility with which he transacted business, was the more remarkable, by the infirm state of his health during the whole term;

(8)(9) See Appendix.

from which, I have learned, with great pleasure, that he has now recovered.

"I am, very respectfully, sir, your obed't serv't,

"J. Q. ADAMS."

To this testimonial of Mr. Adams in favour of Mr. Clay, we are happy in being able to add the following eloquent tribute from Mr. Rush, the late distinguished secretary of the treasury. As a great part of it relates to Mr. C.'s administration of the affairs of state, it may be considered appropriate in this place.

"YORK, Penn. August 24th, 1830.

"DEAR SIR: I very much regret that it is out of my power to lend any essential aid to your important work, though I shall take an interest in its success. I know, in truth, little, if any thing, of Mr. Clay's life, that is not known to us all. He has been so long and so conspicuously before the publick, that his name has become identified with the most important measures of the country, for the last twenty years, whether originating in its legislative councils, or depending upon its executive acts. I well remember, that, during the war of 1812, having myself had a share in the administration of Mr. Madison during that war, though only in an humble way, we considered Mr. Clay as the great prop of the publick cause in congress. However eminent and useful others might have been, he stood foremost in ardour, in eloquence, in power to achieve the great ends, which the exigencies of that period demanded. This, of itself, is no light praise, when that body contained such men as Lowndes, Cheves, and Calhoun, besides others of scarcely inferior renown.

"I first became intimately associated in political and personal intercourse with Mr. Clay in 1825, when he assumed the duties of the department of state. Up to that period, I must own, that, highly as I, in common with others, rated

him as a publick speaker, as well as for those other commanding qualities of the mind, that fit men to take the lead in the business of legislative assemblies, I was not sure, that he would display equal abilities in the new field to which he was called. Nevertheless, it soon appeared to me that he was alike pre-eminent in that field. It appeared to me, that he was as deliberate, as sagacious, as instructive, in council, as he had always shown himself vehement, servid, and efficient in debate; perfectly master of all the great interests of the nation at home and abroad, and pursuing them with earnestness and zeal, yet with candour; always explaining his own open views upon whatever subjects might engage the deliberations of the executive, with a clear, prompt, and comprehensive intelligence, yet ready to listen to the opinions of others: ready, too, always to modify and correct his own opinions, on good reason appearing for it—for to the well-being of the nation did he always look with an ardent and enlightened patriotism;—such, in a word, did Mr. Clay appear to me in the cabinet; his mind and his temper exhibiting the highest qualities of the statesman, and each developing new excellence as you came to survey them more closely. If I were to write more of him, and above all, if I were to go into any estimate of the effect, which I believe to have been produced upon the policy of the nation, in some of its greatest interests, whether domestick or foreign, by his publick exertions and services, I should run into disquisitions that would encroach upon your province, which is far from my intention.

"It would be no very quick task to analyze all the properties of Mr. Clay's rich and varied genius. Those, who witness only the lighter charms which it throws off in the common intercourse of society and conversation, can scarcely know how profound and accurate are its operations, when it comes to deal with publick affairs, however

diversified or complicated the scale on which they may be presented to him.

"I remain, dear sir, with great respect,

"Your obed't serv't,

"RICHARD RUSH."

"GEO. D. PRENTICE, Esq."

It may be safely asserted, that, at no period has the diplomacy of the United States commanded more respect and consideration with foreign powers, than during the late administration of Mr. Adams. Mr. Clay's intercourse with the foreign ministers, who were accredited to our government, was free, frank, and liberal. No unnecessary forms were imposed on their access to the department of state, where they usually found him, in official hours, ready, without ceremony, to receive any proposition, and transact any business with them. No serious misunderstanding occurred between him and any of them, whilst he was in office. When he parted with them, more than one of their number are said to have shed tears; and we know, that several of them have rendered him, in his retirement, strong proofs of their continued respect and affection. A circumstance, which evinces the increased respect entertained for the United States by foreign nations, at the period we are noticing, and which may well be considered flattering to our national pride, is the number of treaties negotiated by Mr. Clay at the seat of the general government. *This number is greater than that of all which had ever been previously concluded there from the first adoption of the constitution.* Instead of our sending ambassadors abroad to solicit from foreign powers, at their respective courts, the formation of commercial and other treaties, their representatives repaired to Washington to obtain the benefit of these national engagements. Thus Mr. Clay concluded and signed, at Washington, treaties

with Central America, Prussia, Denmark, and the Hanseatick republick, and an arrangement with Russia for the settlement of claims of American citizens. He also concluded a treaty with Austria, but did not remain in office to see it signed.

These treaties relate principally to commerce, navigation, and neutral rights, and display the spirit of unbounded liberality, which actuated the late administration and Mr. Clay. He has sometimes been accused of unfriendliness to foreign commerce. His attachment to the protection of American industry is relied upon as proof of such a disposition. Let those who, from this cause, have imbibed a prejudice against him, attentively examine the provisions of the above-mentioned treaties. There is a simplicity, a justice, in his principles of foreign policy, which, when well understood, must secure universal approbation. We are a young people. We commenced our career in the family of nations, at a time when most of them, owing to the colonial system, which was imposed on us by Great Britain, had advanced far beyond us in the arts of commerce, navigation, and manufactures. The successful prosecution of all these arts, Mr. Clay believes to be essential to the general prosperity of the country. Commerce and navigation soon obtained and long enjoyed the fostering care of the general government, and their strength and stability bear testimony to the wisdom with which that care was applied. Manufactures, however, were neglected, until after the conclusion of the late war with Great Britain. Mr. Clay believed, that they also ought to receive encouragement and protection, until they could sustain an equal competition with foreign manufactures; and hence his devotion to the American system.

The skill, and experience, and capital, which we have acquired in commerce and navigation, enable us success-

fully to meet the enterprise of foreign merchants and navigators in any market and on every sea, where terms of fair reciprocity are allowed. In respect to these great interests, we have come up to foreign powers, and consequently have no occasion for protecting duties. Accordingly, in the treaties to which we have adverted, it will be seen, that Mr. Clay contributed to remove every shackle, so as to leave the most perfect freedom to commerce and navigation. Prior to their negotiation, the principle had been adopted—and it was *first* adopted in the London treaty of 1815, negotiated by Mr. Adams, Mr. Clay, and Mr. Gallatin; that the merchant vessels of the two countries, with their cargoes, should be received into each other's ports upon a footing of entire equality, those of the one being liable to no higher or other duties, than were demandable from those of the other. But this principle was subject to the inconvenient restriction, that the vessels of the two countries could only import the productions and manufactures of the countries themselves. Thus, a British vessel might bring into an American port any article of British origin on the same terms with an American vessel, but was forbidden to bring any article of the growth or manufacture of any other country; and an American vessel, in turn, was under a similar restriction on entering a British port. The treaties with Central America and the other powers, mentioned above, have abolished this restriction between the parties; and, under their stipulations, whatever a native vessel can import or export, may, *without regard to the place of its growth or manufacture*, be imported or exported in the vessels of the other contracting party. Mr. Clay, speaking of this important principle in one of the most important of his state papers, justly observes, "its reciprocity is perfect; and when it comes to be adopted by all nations, we can scarcely see any thing

beyond it in the way of improvement to the freedom and interests of their mutual navigation. The devices of maritime nations have been various to augment their marine at the expense of other powers. When there has been a passive acquiescence in the operation of these devices, without any resort to countervailing regulation, their success has been sometimes very great. But nations are now too enlightened to submit quietly to the selfish efforts of any one power to engross, by its own separate legislation, a disproportionate share of navigation in their mutual intercourse. These efforts are now met by opposite efforts; restriction begets restriction, until the discovery is at last made, after a long train of vexatious and irritating acts and manœuvres, on both sides, that the course of selfish legislation ultimately does not effect the distribution of maritime power, whilst it is attended with the certain evil of putting nations into an ill-humour with each other. Experience, at last, teaches that, in every view, it is better to begin and continue in the career of liberality." These liberal, lucid, and powerful views, could not induce Great Britain, with all her boasted attachment to the freedom of trade, to accede to the principle which they illustrate. When Mr. Gallatin, in conformity with instructions from Mr. Clay, proposed it, she declined its acceptance.

While speaking of the maritime regulations between this country and Great Britain, the occasion seems to be a suitable one for saying a few words on the so much bruited subject of the West India trade, which the late administration is charged by a certain party with having unnecessarily and wantonly sacrificed. Never was the unscrupulous spirit of party guilty of a clamour more unjustifiable than that with which Mr. Clay, and the other late officers of the general government, were assailed, in relation

to this trade. This, we think, will sufficiently appear from the following true account of the matter.

A negotiation at London had been pending between Mr. Rush and the British government, in respect to the West India trade, and other subjects. It was suspended in 1824, with a mutual understanding, that it should be resumed at some future but indefinite period. Mr. Rush was summoned home to take charge of the treasury department; and Mr. Rufus King succeeded him in 1825. During his voyage to England, Mr. K. was attacked by a disease, which continued to grow worse and worse, until his return the next year to America, and finally produced his death. When he arrived in England, the king was ill; Mr. Canning, the prime minister, was ill; and the other principal members of the cabinet were either on the continent or dispersed over the kingdom. It may be truly affirmed, therefore, that neither party was in a condition to treat during the year 1825. Meantime, and before Mr. King's arrival at London, an act of parliament passed in general terms to regulate the British West-India trade. This act was not communicated to Mr. King or to the American government; nor was the slightest intimation given or to be gathered from the terms of the act itself, that it was intended to have any bearing whatever on the suspended negotiation. The provisions themselves of the act were vague and indefinite. If expounded according to their obvious import, they required conditions that were together inadmissible. Thus, as a condition of any country's being entitled to the enjoyment of the West India trade, under the act, Great Britain demanded to be placed, in respect to that country, on the footing of the most favoured nation. Now Guatemala or Central America was, at that time, the country most favoured in the United States. In consequence of the treaty already no-

ticed as having been concluded at Washington between Guatemala and our government, she was at liberty to import into the United States the productions of any part of the world on the same footing with our own vessels. To have allowed this privilege to Great Britain without her allowing a corresponding privilege to us, which by the act of parliament she did not do, and which she subsequently declared, that she was not willing to do, would have prostrated our navigation, and secured to hers a monopoly of the carrying trade between her ports and this country.

Not only was no communication made, by the British minister at Washington, of the act of parliament, but, when he was interrogated by Mr. Clay, it was found, that he had no instructions to explain the ambiguities of the act, or even to say, whether it was intended to apply to the United States or not. As late as March, 1826, he invited the American government to the renewal of the suspended negotiation, without the slightest suggestion, that the West India trade was to be considered as withdrawn from it. The president promptly sent out Mr. Gallatin, charged with full powers and instructions to renew the suspended negotiation, embracing all the original subjects of it, and the West India trade, of course, among others. The sequel is well known. Upon opening his credentials, he was not only informed, that the British government would not treat of that trade, but tauntingly told, that to admit the United States to its participation on any terms was *a boon*, and, that as we had not brought ourselves within the provisions of the act of parliament, we should be excluded from the trade. Upon Mr. Gallatin's reminding the British government, that the subject in question was equally included with others in the suspended negotiation; that the invitation, given by the British minister at Washington, applied to the whole; and, that the act of parliament

had never been officially communicated, at London or at Washington, to the American government, he was further given to understand, *that the United States were bound to now and to take notice of the acts of parliament!* A more frontive suggestion, or a manifestation of worse faith, has seldom been heard of in the diplomacy of any nation.

The consequence was a mutual prohibition of all direct intercourse in British or American vessels between the United States and the West India ports of Great Britain. This state of things was not injurious to the commerce or navigation of the United States. The prohibited trade was still carried on circuitously through intermediate ports in the neighbourhood of those of Britain, and the American navigation enjoyed a monopoly of the transportation to those intermediate ports.

Since our present administration came into power, an arrangement has been made between the two governments, which the enactments of the British law of parliament are extended to the United States. On what terms, and in what manner, this has been effected, will be seen, should the correspondence ever be published. The arrangement may be terminated at any moment by the will either party. Mr. Clay and the late administration proposed an arrangement by treaty, as being more obligatory and more durable. They preferred it, because they hoped to be able to place the vessels of the two countries in a condition of exact equality. By the late arrangement this was not done; for a British vessel enjoys exclusively the benefit of a circuitous voyage between Great Britain and the United States by the way of the West Indies, there taking in fresh cargo, or discharging the whole or part of her previous cargo. It is doubtful, whether an American vessel can successfully compete with a British vessel having that great advantage; and, if it cannot,

our navigation will be injuriously affected, not merely in the trade with the British West India islands, but in that also with the parent country.

We have heard, that, during Mr. Clay's administration of the secretaryship, whenever it became his duty to give instructions to one of our ministers, or to prepare a despatch, he first examined the subject thoroughly, and perused attentively whatever documents were on file in relation to it, and then framed the paper according to his own conceptions of what belonged to the case, and submitted the draft to the inspection of the president. Mr. Adams often expressed his surprise at the extreme correctness and unexampled facility, with which all Mr. C.'s state papers were prepared. It was a very unusual thing for any of them to undergo an alteration, even in the most trifling particular.

Sometimes it became the unpleasant duty of Mr. Clay to reprove our foreign agents. A remarkable instance of this kind happened in the case of Mr. Raguet, our charge d'affaires at the court of the Brazils. That gentleman, probably with the best intentions, had adopted toward the court a system of menace and intimidation, which rendered him extremely unpopular, and brought our affairs into the most embarrassed condition at Rio de Janeiro. He had allowed himself to use harsh and unbecoming language to an officer of the Brazilian government, and that in relation to the concerns of foreign powers, and not of the United States. Mr. Clay's reproof is expressed so as to wound his feelings as little as possible, whilst, at the same time, it conveys, clearly and decisively, the disapprobation of the government. It points out the duty of a foreign minister so appropriately, and so forcibly, that its precepts should be treasured up by every one, who is sent abroad. We regret that we are not, at this moment, able

to find the document, and to offer our readers an abstract of it.

The advantages of a course of respect, mildness, and conciliation, directly opposed to that which had been pursued by Mr. Raguet, were demonstrated in the conduct of his successor, Mr. Tudor, who was highly esteemed by Mr. Clay. In a few months, he won the regard of the Brazilian emperor and his ministers, disentangled our affairs, procured the settlement of private claims of our citizens to a large amount, which Mr. Raguet had in vain been soliciting for years, and negotiated a very advantageous commercial treaty.

SECTION SECOND.

THE present administration came into power on the 4th of March, 1829. To descant upon its character, as thus far developed, is foreign to our present purpose. It is not for us to compare the course which it has hitherto pursued, with that of the one which preceded it. Posterity will draw the parallel between them. A tribunal impartial and unswayed by the temporary excitements of party, or by those personal partialities which perish with the generation by which they are cherished, will sit in judgment upon them. The virtues, which have ennobled our country, and the errors and misrule which have disgraced it, will stand out in bold relief upon that scroll, where the pencil of history gathers back the images of the past, in their mingled beauty and deformity. And in the picture of that scroll, and in the judgment of that tribunal, the characters, who have figured in the present administration, and in that which preceded it, will be contrasted together face to face, like an assembly of apparitions—divested of all the factitious importance of temporary power; and that stern estimate, which regards only moral and intellectual superiority, will be passed upon them without favour or partiality. It may be easy to anticipate the result of that solemn scrutiny. The light of investigation will indeed fall upon the noble exertions of enlarged and patriotick minds, and on the generous sacrifices of high hearted individuals for the common weal—but not on them alone: It will reveal the rottenness of political corruption. It will scatter the thick darkness from the secret places of

uilt, and lay bare the mysteries of iniquity, wherever they may be found, whether in the present administration, or in that over which the former has trodden its way to power.

Mr. Adams was an unpopular man—not deservedly so; for no man ever laboured more zealously for the publick good—but rather, as a consequence naturally resulting from the peculiarity of his temperament. He had few personal friends. Isolated and alone, he stood aloof from an intimate communion with those around him, without checking for a single instant the broad expansion of a benevolence, general as the country itself, to concentrate its kindly influence upon partial and secondary objects. He knew little of the human heart; and but seldom responded to its warm and wild sympathies. The tranquil majesty of his mind was like that of the ocean, when its Controller has laid the finger of his silence upon every wave. A mild and chastened feeling of adoration might indeed steal upon the hearts of those who contemplated its quiet, yet noble manifestations; but the calling forth of enthusiasm, a wilder and more passionate moving of its elements was requisite. It needed the sublimity of the tempest—the cloud-fire's shock—the loud summons of the thunder, and the hourse murmur the answering waves.

Such was Mr. Adams in the private affairs of his administration. In publick he was ever the same—calm as impressed with a deep sense of the responsibility of his station, yet firm as the mountain rock in the maintenance of his favourite and established principles. In the midst of persecution and insult—that fiery ordeal through which the great minds of our country pass—he pursued the even tenor of his way, turning neither to the right hand nor to the left; scrutinizing friend and foe with the

same impartial severity; and bestowing the offices in his gift upon those only whom he deemed worthy from their talents and integrity, without regarding in the least the bias of their political predilections. Consequently, those who supported him were actuated by no selfish motives. Their confidence and support cannot but be considered as the result of honest patriotism—the homage paid, not to the executive in personal adulation, but to the great principles which marked the whole course of his administration.

Yet, with all his talents and all his virtues, the popular feeling was against him; and the prominent characters of his administration shared for a time the dark fatality of his destiny. To hold communion with the unfortunate is always unpopular. To associate with those upon whom the shadow of unjust displeasure is resting, is to share, partially at least, in their misfortunes. In the case of Mr. Clay, however, the temporary eclipse of popularity, which resulted from such a connexion, has already passed away. With a spirit tall enough to overlook the congregated host of his enemies, and with strength enough to rend their thickest masses asunder, Henry Clay was not one to sink under unmerited abuse. The cloud of detraction indeed settled heavily around him, but, like the veil thrown over the blazing shrine of Isis, it was scattered and destroyed by a splendour which it could not overshadow.

On the return of Mr. Clay to the West, he was every where hailed with expressions of undiminished affection. Many, very many, who had been among his warmest admirers, had disapproved of his support of the administration of Mr. Adams. But they—the men, who had seen him at his fireside, and who had stood by him in the halls of legislation—could not, for a passing moment, doubt the sincerity of his motives. To them the stale and loathed

alumny of bargain and corruption—powerful as its effect had been upon the minds of the multitude—was an idle tale—a slander beyond the pale of credibility. They knew the exceeding worth, the manly virtues, and the lofty intellect of their warm-hearted fellow-citizen. They knew too, that he had been wronged—foully and cruelly wronged;—that enfeebled in health and weary in spirit, he had returned once more among them to lay bare his whole heart to the view of his old constituents, and longed and affectionate neighbours. They knew how to appreciate the outpourings of a polluted press; and the noisy abuse of men, who were presuming to sit in judgment on the doings of one, in comparison with whom they were as mole-hills at the feet of the eternal Andes.

Hardly had Mr. Clay reached the place of his residence, when the electors of his former congressional district urged him, almost with one accord, to suffer himself to be considered as a candidate for the national legislature. Gen. Clarke, the present representative of the district, was among those who urged the request, declaring himself ready to decline being considered a candidate in the event of Mr. Clay's acquiescence. For these marks of unchanging respect on the part of his old constituents, Mr. Clay publicly expressed his gratitude—but declined the proposal, on the ground of ill health, the deranged situation of his private affairs, and a consciousness, that many of his earnest friends in other portions of the country were divided in their opinions, relative to the expediency of his return to congress. For similar reasons, he also declined the offer of a seat in the legislature of Kentucky.

Since Mr. Clay's retirement to private life, he has received frequent and pressing invitations to visit his fellow-citizens in different parts of the country, and partake of their hospitality. Traduced, as he had been, while exert-

ing all the energies of his powerful intellect in the service of the publick—charged as he had been of bargain and corruption by men high in authority and influence, they desired an opportunity publickly to testify their increased respect for his character, and to renew the assurance of their confidence in his patriotism, talents, and incorruptibility. He accepted several of these invitations; and, at some of the places he visited, took occasion to animadvert with a justifiable severity upon the conduct of his traducers; to place the acts of his past life in their true light—a light which shows them to have emanated from a heart always governed by pure intentions, and animated only by a devotion to the dearest interests of his country.

Whatever objections may be made to this method of vindicating an assailed reputation, it has had an effect upon the publick mind far beyond the most sanguine anticipations of Mr. C.'s warmest friends. We are not of the number of those who believe, that one who has been an officer of government should be callous to assaults upon his character. If in the discharge of his duties, his integrity has been attacked, if base motives have been imputed to his conduct, he owes it to himself, to his family, to his friends, and to his country, to come forth and defend them. Few men are so elevated at the present day, that the shafts of calumny cannot reach them. Even virtue herself has no armour of proof against the stabs of that fiend like malignity, which, in the case of Mr. Clay, had sworn never to allow him repose, until he had gone down to that last habitation, where “the wicked cease from troubling, and the weary are at rest.” It is no characteristick of an honourable mind, to sit down tamely under the infliction of wrong. When the quick and sensitive feelings of the heart are touched by the rude and ungloved hand of

malevolence—when a reputation, built up by years of intellectual toil, is crumbling away beneath the influence of misguided prejudice, defence, open and manly defence, becomes a solemn and an imperative duty. Silence in such a case must be the result of conscious iniquity, or the apathy of despair. Mr. Clay has made *his* defence; and the charge of bargain and corruption has settled like a fiery curse, upon the hearts of those who invented it.

In May, 1829, the citizens of Lexington testified their respect for the talents, and gratitude for the services of Mr. Clay, by a splendid public dinner, which was given him at Fowler's Garden. An immense concourse assembled. A toast, highly complimentary to the "distinguished guest, friend, and neighbour, Henry Clay," was received with enthusiastick acclamation. As the long and loud murmurs of applause died away on the verge of the gathered multitude, Mr. Clay arose, and, in a speech of nearly two hours in length, commanded the undivided attention of the vast and gratified audience. It was a noble effort. The sternest hearts melted at the pathos of its exordium—the clearest intellect bowed down to the over-mastering presence of its argumentative power—and to the solemn truth and touching effect of its peroration, every countenance bore witness.

Mr. Clay entered at length into an exposition of his views of the administration of a republican government. After a courteous allusion to the new administration; and declaring himself ready to support it, so far as was consistent with his duty, he remarked: "Government is a trust, and the officers of government are trustees; and both the trust and the trustees are created for the benefit of the people. Official incumbents are bound, therefore, to administer the trust, not for their own individual benefit—but so as to promote the prosperity of the people.

This is the vital principle of a republick. If a different principle prevail, and a government be so administered as to gratify the passions, or promote the interest of a particular individual, the forms of free institutions may remain, but that government is essentially a monarchy. The great difference between a monarchy and republick, is, that in a republick all power and authority, and all publick offices and honours, emanate from the people, and are held and exercised for the benefit of the people. In a monarchy, all power and authority, all offices and honours, proceed from the monarch. His interests, his caprices, and his passions, influence and control the destinies of the kingdom. In a republick the people are every thing, and a particular individual nothing. In a monarchy, the monarch is every thing, and the people nothing. And the true character of the government is stamped, not by the forms of the appointment to office alone, but by its practical operation. If, in one nominally free, the chief magistrate, as soon as he is clothed with power, proceeds to exercise it so as to minister to his passions, and to gratify his favourites; and systematically distributes his rewards and punishments, in the application of the power of patronage, with which he is invested for the good of the whole, upon the principle of devotion and attachment to *him*, and not according to the ability and fidelity with which the people are, or may be served:—that chief magistrate, for the time being, and within the scope of his authority, is in fact, if not in form, a monarch."

The conclusion of this address is in Mr. Clay's happiest manner—a mingling of the pathetick with the beautiful. He stood before sires far advanced in years—endeared to him by an interchange of friendly office and sympathetick feeling, beginning more than thirty years ago; and before their sons, grown up during his absence

in the publick councils. It is easy to imagine the powerful effect of such an appeal upon such an audience; for it was the language of truth—of wronged and insulted virtue—an appeal to the reason as well as to the hearts of those who heard it.

"And now, my friends and fellow-citizens," said Mr. Clay, "I cannot part from you on possibly this last occasion of my addressing you, without reiterating the expression of my thanks from a heart overflowing with gratitude. I came among you, now more than thirty years ago, an orphan boy, penniless, a stranger to you all, without friends, without the favour of the great. You took me up, cherished me, caressed me, protected me, honoured me. You have constantly poured upon me a bold and unabated stream of innumerable favours. Time, which wears out every thing, has increased and strengthened your affection for me. When I seemed deserted by almost the whole world, and assailed by almost every tongue and pen and press, you have fearlessly and manfully stood by me, with unsurpassed zeal and undiminished friendship. When I felt as if I should sink beneath the storm of abuse and detraction, which was violently raging round me, I found myself upheld and sustained by your encouraging voices, and your approving smiles. I have doubtless committed many errors and indiscretions, over which you have thrown the broad mantle of your charity. But I can say, and in the presence of my God and of this assembled multitude I will say, that I have honestly and faithfully served my country; that I have never wronged it; and that, however unprepared I lament that am to appear in the Divine presence on other accounts, invoke the stern justice of His judgement on my publick conduct, without the smallest apprehension of His displeasure."

At other places which Mr. Clay visited, in the prosecution of his business as a lawyer, or in the interchange of the kind offices of relationship, during the seasons of 1829 and 1830, he expressed his sentiments freely, in reference to those great measures of national policy which he had so long and steadily advocated. Nor did he at the same time conceal his disapprobation of the course pursued by the administration in power.

There is a kind of selfish prudence, of timorous expediency, in which many find an apology for withholding their real sentiments upon the most important subjects. Even when the dearest interests of the publick are at stake —when political corruption, like the poison breath of the Samiel, is sweeping around them, and blasting the fairest blossoms of liberty, instead of going forth like the prophet of old between the dead and the living, to stay the progress of the contagion, they intrench themselves behind this doubtful expediency, and closing their eyes and their ears, talk calmly of neutrality. With such, Mr. Clay has no fellowship of feeling. Whatever his sentiments may be, he casts them freely before the publick, in the unhesitating frankness of conscious integrity. Subtle policy intrigue, and double dealing, are no elements of his republican character. Differing broadly as he does from the administration of Gen. Jackson—to conceal that difference—to affect friendship where his better feelings would scorn and loathe it, would be a manifest departure from the uniform sincerity of his life. To Gen. Jackson he has always done justice. On no occasion has he sought to tarnish one leaf of the green chaplet, which he had himself aided in binding upon the brows of the gray-haired chieftain. But he has never yielded to the madness of military enthusiasm. In Gen. Jackson, as President of the United States, he finds much to condemn. He believes the ark

of our political safety to be endangered while in the keeping of one who has so often touched it with an unholy hand.

We sincerely regret the necessity of an allusion of this nature to the administration of Gen. Jackson. But, identified, as Mr. Clay's latter history is, with the rise and progress of that administration, any attempt on our part to avoid such an allusion, would be justly considered as over scrupulous—a manifest departure from the plain path of our duty. It is our province to state facts, without regard to the probable comments which they may call forth.

In March, 1830, Mr. Clay, on his return from New Orleans, to which place his private affairs had called him, received a pressing invitation from the citizens of Natchez, Miss., to partake of a publick dinner. The invitation being accepted, the city was crowded with an immense concourse of visitors from all the adjacent country. It was no partisan gathering. The warmest political opponents sat down, face to face with each other, united in one object at least—the desire to do honour to their distinguished guest—to one, whose patriotick motives none of them could doubt, however much they might differ from his principles.

Mr. Clay made some remarks on this occasion, in his usual eloquent and engaging manner. He was interrupted more than once by the deep, involuntary murmurs of applause which burst forth around him. Every word which he uttered went down and rested upon the hearts of his auditors, like the kind tones of some blessed visitor. A gentleman who was present, has given us an animated description of the scene, a part of which we have transcribed.

"It was a proud moment for Henry Clay. The dark elements of faction sank down into quietude before him.

Men who had been arrayed for years in political contention, who had hitherto met each other with the clenched lip and knitted brow of hatred, gave back on this occasion the smiles of one another.

"Mr. Clay commenced by an acknowledgement of his gratitude for the honours bestowed upon him. 'There is nothing in life,' said he, 'half so delightful to the heart, as to know, that, notwithstanding the conflicts which arise among men—the whirlwind and madness of party feeling—there yet are times, as on the present occasion, when passion and prejudice slumber—moments, when old differences cease from troubling; and when all that is turbulent, as all that is distrustful, are sacrificed to the generous and social dictates of humanity.'

"He spoke of Gen. Jackson. He spoke of his great battle. Darkly as he had been traduced, deeply as he had been injured by that man, he yet hesitated not to bestow upon him his full measure of patriotick encomium. His feelings rose with the subject. His eye kindled. There was a moral grandeur in his look; and all who saw it felt that it was the visible manifestation of the triumph of his nobler feelings over the dark sense of wrong.

"At that moment I would have given my right hand to have seen Gen. Jackson confronted before his magnanimous opponent—face to face, with the man, whom he had so foully injured. Had he been there—under the eye of that noble hearted-speaker—every word of commendation, every generous acknowledgement of his services, would have fallen upon his head like a rain of fire.

"The applause which, ever and anon, broke in upon his address, was unaffected and spontaneous. It was the overflow of enthusiastick feeling. Nor was it poured forth without an adequate cause.

'His words had such a melting flow,
And spoke the truth so sweetly well,
They dropped like heaven's serenest snow,
And all was brightness where they fell.'"

In July, Mr. Clay was called to Columbus, Ohio, in the discharge of his professional duties. Although travelling as a private citizen—a plain republican lawyer—he was every where received with marks of attention, and enthusiastick regard. In every town which he visited, the citizens gathered around him; and wherever he turned, a hundred hands were extended to clasp his own. Publick feeling flowed after him as the tides of ocean follow the moving moon.

At a collation given by the citizens of Cincinnati, during this journey, Mr. Clay remarked, at length, upon the subject of internal improvements, as connected with the veto of Gen. Jackson to bills passed by Congress in accordance with its views of the system, and the settled policy of the nation. He maintained the constitutional right of Congress to countenance, and co-operate with, such works, as in its estimation are of manifest national importance. He also dwelt upon the tariff—its principles and its practical effects. His concluding remarks were truly eloquent. 'Why,' he demanded, 'wore the fires of unabated persecution kindled around him? Why was the artillery of the press incessantly levelled upon him? What had he done? The history of his past life was before the people. If he had erred in any of his endeavours to subserve the best interests of the publick, he regretted it. His conscience at least did not reproach him. And what was he *doing* to draw down upon him the maledictions of his countrymen? He was a private citizen. He could exercise authority over none; nor had he any engine of governmental patronage

to pervert, and make subservient to purposes of personal aggrandizement?

In December, 1829, Mr. Clay delivered an address before the Kentucky Colonization Society. It is a strong, eloquent, and conclusive argument, in support of the objects and principles of the society. Slavery, in the abstract, Mr. Clay views with unmixed abhorrence. He justly considers it a monster of evil—a deadly vampyre draining away the life blood of the republick. But he is not one to abuse that portion of his countrymen upon whom the misfortune has fallen. Believing, as he does, that the present generation are not responsible for its existence, he would rather afford the slave-holder his sympathy, than censure him for the existence of an acknowledged evil, which he has no means of averting.

In common with the society of which Mr. Clay is a prominent supporter, he would mildly and cautiously approach the perilous volcano of slavery. He would endeavour to obviate its dangers by turning stream after stream of philanthropy upon its burning bosom, quenching by slow degrees its destructive element; not by madly tearing open the crater of its prison-house, and overwhelming the whole land with one fiery visitation.

In the address before the Colonization Society, Mr. Clay developed with a clear and definite understanding of his subject, the immense evils resulting from the existence of slavery. He portrayed in vivid colours the sufferings, the mental and bodily degradation, of the slave. He spoke of the dangers to be apprehended from an insurrection of the blacks, when, in every abiding place of slavery there were fierce hearts brooding over the accumulated wrong of years, and dark hands ready to grasp the fire-brand and the dagger. He took a view of the operations of the Colonization Society from its commencement, and dwelt

with pleasure upon the success which had attended its efforts to establish a colony of free blacks in the land of their forefathers—to introduce the blessings of civilization into the wilds of Africa, and light up as with a new sun, the darkened moral atmosphere of that ill fated continent. We cannot forbear to make an extract of this portion of the address.

"Let us not be disheartened by the little which has been accomplished in the brief space of thirteen years, or by the magnitude and difficulties of the splendid undertaking. In the execution of vast schemes which affect the happiness and the condition of a large portion of the habitable globe, time is necessary, which, in the estimation of mortals, may appear of long duration, but which, in the eyes of Providence, or in the computation of the periods of national existence, is short and fleeting. How long was it after Romulus and Remus laid the scanty foundations of their little state, within the contracted limits of the peninsula of Italy, before imperial Rome burst forth in all its astonishing splendour—the acknowledged mistress of the world! Ages rolled away before Carthage, and other colonies of the olden time, shone out in all their commercial and military glory. Centuries have elapsed since our forefathers in the morasses of James river, and on the rock of Plymouth, began the work of founding this republick, yet in its infancy. Eighteen hundred years have rolled away since the awful sacrifice of our blessed redeemer upon the Mount of Calvary, and more than half mankind continue to deny his mission and his word!"

"We may boldly challenge the annals of human nature for the record of any human plan for the melioration of the condition or the advancement of our race, which promises more unmixed good in comprehensive benevolence, than that of the Colonization Society, if carried into full

operation. Its benevolent purposes are not confined to the limits of one continent—not to the prosperity of a solitary race. They embrace the two largest portions of the earth, with the peace and happiness of both descriptions of their present inhabitants, and the countless millions of their posterity. The colonists, reared in the bosom of this republick, with a knowledge of the blessings which liberty imparts, although now unable to share them, will carry a recollection of them to benighted Africa, and light up, in time, her immense territory. And may we not indulge the hope, that, in a period of time, not surpassing in duration that of our own colonial and national existence, we shall behold a confederation of republican states, on the western shores of Africa, with their congress and their annual legislatures, thundering forth in behalf of the rights of man, and causing tyrants to tremble on their thrones?"

The conclusion of the address is full of rich and splendid imagery, and of pure and exalted feeling. It is a specimen of the copiousness and magnificence of its author's flow of thought.

"Almost all Africa is in a state of the darkest ignorance and barbarism, addicted alike to idolatry and superstition, and destitute of the blessings of Christianity and civilization. The American Colonization Society is an instrument, which, under the guidance of Providence, is competent, with publick assistance, to spread the light of both throughout its vast dominions, and the means are as simple, as the end is grand and magnificent. It will employ as agents some of the very brethren of the heathen sought to be converted, and brought within the pale of civilization. The Colonization Society proposes to send not one or two pious members of Christianity into a foreign land, among a different, and, perhaps, a suspicious race of

another complexion;—but, to transport annually, for an indefinite number of years, thousands of efficient missionaries, of the descendants of Africa itself, with the same interests, sympathies, and constitutions of the natives, to communicate the benefits of our holy religion, and of the arts of civilization. And this colony of missionaries is to operate not alone by preaching the words of truth and revelation, which, however delightful to the ears of the faithful and intelligent, are not always comprehended by untutored savages, but also by works of ocular demonstration. It will open the great forests—it will build up cities—erect temples for Christian worship; and thus practically exhibit to the native sons of Africa, the beautiful moral spectacle, and the superior advantages of our religious and social systems. In this unexaggerated view of the subject, the African colony, compared with other missionary plans, presents the force and grandeur of the noble steamer, majestically ascending, and with ease subduing the current of the Mississippi, in comparison with the feeble and tottering canoe, moving slowly among the reeds which fringe its shores. It holds up the image of the resistless power of the Mississippi itself, rushing down from the summits of the Rocky Mountains, and marking its deep and broad and rapid course, through the heart of this continent, thousands of miles, to the Gulf of Mexico, in comparison with that of an obscure rivulet, winding its undiscernible way through dark and dense forests or luxuriant prairies, where it is quickly and forever lost.

“Confiding in the approving judgement of Divine Providence, and conscious of the benevolence and purity of our intentions, we may fearlessly advance in our great work. And when we shall, as soon we must, be translated from this into another existence, is the hope presumptuous, that we shall then behold the common Father of the white

and the black—the Ruler of the universe, cast His all-seeing eye upon civilized and regenerated Africa—its cultivated fields—its coasts studded with numerous cities, and adorned with temples dedicated to the religion of His redeeming Son—its far-famed Niger and all its great rivers, lined with flourishing villages, and navigated by that wonderful power which American genius first applied;—and that, after dwelling with satisfaction upon the glorious spectacle, he will deign to look with approbation upon us, His humble instruments, who have contributed to produce it."

It is worthy of regard, that the philanthropick views and feelings of Mr. Clay, broadly as they extend, and warmly as they are cherished, are yet tempered by sound judgement and correct ideas of expediency. We have already seen how resolutely he maintained the cause of his country in the stormy discussions of the Missouri question, at a time when the elements of our federal union were shaken almost to separation. Although opposed to slavery in all its forms, he saw, in that hour of contention the absolute necessity of a surrender of his individual opinions, as a sacrifice upon the altar of patriotism. That surrender was made, and the union was preserved.

We have now reached that point, beyond which our vision cannot penetrate. We have briefly and imperfectly detailed the leading incidents in the life of Mr. Clay, down to the present period. We are fully sensible that we have not done justice to the subject. Linked, as Mr. Clay's services are, in undying association with the great deeds and giant enterprises which, for a long series of years, have elevated us in the view of other nations, and strengthened with new energies our moral and physical power, the task of their correct and thorough development belongs only to the future chronicler of our country's political

history. Never, perhaps, was the history of an untitled citizen more completely identified with that of his country. It has been written in our treaties—It has been thundered aloud upon a score of battle-fields, and where the silence of the great deep has been broken by the hot breath of our cannon—It has been heard by the republicks of the South in our solemn recognition of their freedom—It has been inscribed in enduring characters upon the whole surface of our immense territory, in the newly opened canal, and the crowded thoroughfare—in the triumph of human intellect over the prohibitions of nature—It has been seen and felt in the operations of that system, which has enabled our country to rely on its own vast resources—to substitute the plain but ample garb of independence for the borrowed and tawdry trappings of Europe; and which has called up, as by the wand of enchantment, the lively village, and the flourishing manufactory, upon half our mountain streams.

In the foregoing pages we have attempted no eulogium of Mr. Clay. Our commendatory remarks have been only such as have naturally resulted from a contemplation of his important publick services. These services are, in themselves, his best eulogium; and we have simply endeavoured to place them before the American people, in their just and true light—in that light in which they must be regarded by all posterity, and by the candid and impartial of the present day.

CONCLUSION.

THE person of Mr. Clay exhibits a perfect combination of suavity, dignity, and power. He is tall and somewhat slender, and his carriage and deportment are manly and prepossessing. His mouth is large, but bland and energetick in its expression. His forehead is high and broad. The contour of his head is remarkably fine. A disciple of the school of Gall and Spurzheim would find much to admire in its ample development of all those organs of the brain, which, in the estimation of the phrenologist, are the unfailing indications of superior intellect. In his ordinary intercourse with society, and while engaged in common conversation, the lively frankness and open benevolence of his feelings are portrayed in his countenance. In debate—in the warm and fierce conflict of mind—his features sympathize with the varying emotions of his heart. His keen eye kindles into new brightness from the irrepressible fire within him; and his whole countenance discovers like a mirror the transit of the star-like thoughts, which beam upon lips touched with the living coal of eloquence. . .

As an orator, Mr. Clay ranks high—higher, perhaps, than any other individual in the United States. His reported speeches discover a mind more logical than imaginative. Yet they are alive with feeling—so much so, that, in many instances, the patient searching out of old authorities, and the slow and cautious development of opinion, seem to have been incompatible with the ardour of his

temperament. When he believed the honour and prosperity of the country at stake—when, to his view, the torch of the incendiary was flashing with unholy light at the very threshold of Liberty—he passed by every minor consideration, every tedious preliminary, and grappled at once with the important subject before him. Yet, in the debates on the Tariff and Internal Improvement, his array of facts and concentrated arguments, massy and united, resembles the strong linkings of a chain of iron.

His talents are always at command. He is never thrown off his guard when engaged in an intellectual struggle; but, in whatever manner the question for discussion may be presented, he scrutinizes its features at a glance, discovers its weak or its defensible points, and directs his own operations accordingly. Once engaged in his subject, he finds no obstacle of sufficient power to oppose the onward and irresistible flow of his argument. Every thing is borne away before it. His reported speeches are but the skeletons of their masterly originals. In comparison with their first manifestations, they are like deserted temples, after the glories of their mystical worship have departed, or like dull gray clouds, after the illumination of the lightning has passed away forever. The genii which are borne onward by the hurrying wave of his eloquence are never seen but once. They dazzle in the peculiar and immediate light which hovers around his subject; and having performed their office of illustration, are forgotten even by the mind which conceived them.

His style is peculiarly happy. It has the freshness and originality of the heart, and its effect has always been powerfully felt. In general, it may be likened to the current of some majestick river, moving calmly onward to the ocean, and gathering in its bosom the starlight and quiet sunshine. But, in the moments of strong excitement, when

mind wrestles with mind for the mastery, it assumes a bolder and more startling character. It is the sudden rush of the cataract—the “jet from the Geyser when the spring is in full play.” It has no false glitter—no ostentation—no fanciful and unprofitable display of imagery. Whenever it leaves the deep, bold track of logical accuracy, and rises to the lighter elements of the imagination, it is feeling alone which bears it upward—the poetry of passion.

His voice is deep, full-toned, and commanding. It has the almost magical power of controlling the feelings of those who listen to its varying cadences and exquisite modulations. The hearts of his auditors are moved in harmony with its melting pathos or its stirring energy, as the animate and inanimate things of nature inoved to the harp of Orpheus. His action in speaking is uniformly appropriate and graceful. His every gesture has its manifest meaning; and every change of his countenance its corresponding effect upon the audience.

The character of Mr. Clay's mind is not easily analyzed. His powers are so numerous—so varied and yet so harmonious—so rich and lofty, and yet so readily called forth, that their comparison with those of the statesmen and orators of the present day could only present them in the light of contrast. It is not alone in the eloquent period, or in the stately flow of a diction rich with the jewelry of thought, that Mr. Clay's mental superiority is discovered. The bold and vehement leader of debate, when engaged in the councils of the nation, or in the difficult intricacies of foreign negotiation, has uniformly manifested all the wisdom, foresight, and accuracy, which characterize the perfect and accomplished statesman. Unlike Anteus of old, his intellect is not limited to one sphere of action. It can wrestle upon earth, or soar upward to the eagle's home of storms.

Much as Mr. Clay undoubtedly owes to the endowments of natural genius, he may be said to have built up his own reputation. Slowly, and with almost unparalleled exertion, he has reared the temple of his greatness. Genius, whatever it may have been called, or whatever it may be, is useful and glorious only in those who, like Mr. Clay, have been able to tame down its waywardness, and direct its energies upon noble objects. There may be, at times, a phenomenon of mind, which bursts forth at once in the full possession of power, like Pallas from the brow of the infidel deity. It may flash out like a comet in the starry heaven of intellect, dazzling and flaming for a moment, but it will leave no traces of its path—no gems of light and knowledge in the horizon over which it has hurried.

In private life, Mr. Clay has all the characteristicks of the gentleman. No man, perhaps, is better calculated to secure respect and warm personal friendship. The difficulties which interfered with his early career, and through which he has forced his way, even as the strong fountain springs upward from the bosom of the earth to the free air and sunshine, together with his grateful remembrance of individual kindness, have left a deep and abiding impression upon his character, and given it a strong bias towards benevolence. Liberal to a fault, his door and his purse are alike open to the friendless stranger and the unfortunate neighbour. Frank, open, and above the meanness of suspicion himself, and, consequently, never searching foruplicity and treachery in those around him, he has more than once suffered from the vile ingratitude of men, who have been cherished by his bounty, and upheld by his influence.

The curse of aristocracy has never chilled the warmth of his natural feelings. His heart is as warm—his hand is as free, and his smile as familiar, as they were thirty years ago, when, without friends and without in-

fluence, he first responded to the hearty welcome of the Kentuckian. His feelings have not changed with his fortunes. He has nothing of that haughty and over-bearing spirit, which would check in its outset the ambition of others, and gesture back the youthful aspirant with the frown of hate, or the sneer of derision. To the labouring classes of the community he has ever been a fast and efficient friend. In publick he has advocated their cause, with an effect which has been felt in every workshop throughout the land ; and in private he has always been gratified to clasp in cordial fellowship the hands of those who are our support in peace, and our defence in war.

That he has manifested an undue ardour of temperament in many instances, and that his confidence has been often injudiciously bestowed, we have no disposition to deny. These are the errors of a noble nature, and their evil consequences have been felt by himself alone. They have never mingled with the duties of his publick life, nor dimmed for a moment the glory of his reputation as a statesman and patriot.

For the attainment of his present attitude before the American people, Mr. Clay has resorted to no secret management—no low party intrigue. He has circulated none of that poison, visible only in its baleful effects, which modern demagogues have been pouring into the veins of the body politick. Manly and sincere of heart, he has never turned from the strong light of investigation. His every act—his every sentiment—has been laid open to publick scrutiny. And we are free to say, that the closer that scrutiny shall be made, the more glorious will his services appear, and darker and deeper will be the condemnation of his enemies.

APPENDIX.

NOTE 1.

Letter from Mr. Clay to Mr. Russell.

LEXINGTON, 9th July, 1822.

"*My dear Sir*—Your letter of the 6th ultimo arrived whilst I was absent from home, at one of the watering places, and hence the delay of my answer. I had read the communication of the president to congress of your letters, and Mr. Adams' remarks; and I must frankly say to you, that the variations between your two letters has given, in the publick judgement, a great advantage to Mr. Adams, at least for the moment; and that, unless satisfactorily explained, it will do you a lasting prejudice. I saw it with very deep regret, and shall anxiously look for an explanation.

"On many of the circumstances stated in your letter, my memory accords with yours—on one or two only it does not. I recollect distinctly that the paragraph offered by me, and inserted in your despatch to the British commissioners, of the 10th November, terminated, at that time, the discussions respecting the navigation of the Mississippi, and the privilege concerning the fisheries within the British jurisdiction. It was prior to the adoption of that paragraph that it had been proposed, I think, by Mr. Gallatin, to grant the one for the other, that the discussion, which was long, earnest, animated, often renewed, had taken place; that a majority, consisting of Messrs. Gallatin, Adams, and Bayard, appeared to be in favour of it; and that I had declared that I would sign no treaty in

which such a stipulation should be included. After this declaration, Mr. Bayard came over to us, and made us the majority. It was then necessary that we should, as we were about to send in to the British commissioners the project of a treaty of peace, give some *written* answer to their notification of the 8th of August, concerning the fisheries. We were forbidden, by our instructions, to suffer our right to the fisheries to be brought into discussion. The majority had now determined not to offer for the renewal of our right, the navigation of the Mississippi. We had, in short, no equivalent to offer. We had, therefore, no other ground to take, than that which the above paragraph ensures. Whether solid or not, it was the best we could occupy, and had the advantage of being in conformity to our instructions.

"After the British commissioners returned our project, with an alteration proposing the renewal to them of the right to navigate the Mississippi, I think the same question, though in a form somewhat different, came up in our commission. We received their note, with their proposed alterations and suggestions, on the 27th of November. We had a conference with them on the first of December. I think it must have been between those two days that the question was again considered. You and I, (such, at least, is my recollection,) proposed to strike out that part of the British alteration of the 8th article, which had, for its object, the renewal of their right to navigate the Mississippi—but the same majority that was at first in favour of making the offer of the navigation of that river, was now willing to accept the British proposal, upon the condition of their renewing to us the fishing liberty within their jurisdiction. The article proposed at the conference, on the first of December, expressed the sense of the majority. My determination, on this subject, had been deliberately formed, and

communicated frankly to my colleagues. I did not probably repeat the communication of my resolution, because it would have worn the appearance of menace. I have some recollection of Mr. Bayard, on our return from the conference of the first of December, having expressed his dissatisfaction with something which Mr. G. * * * said or did at the conference; but what it was I do not recollect. I cannot think it possible that we should have gone into that conference without being prepared to say something to the British commissioners on the subject of the navigation of the Mississippi; and my recollection is very strong that the above majority was in favour of accepting their proposal, with the condition that I have mentioned. I regret that I cannot put my hands upon your letter from Stockholm, mentioned in your last.

"Nothing can be more unfounded than Mr. Adams' inference, (if he intended to draw an inference,) of our assent to the doctrine of the imperishable character, in all respects, of the treaty of 1783, and to the proposal in regard to the navigation of the Mississippi, from the fact of our signature to the communication respecting those subjects, to the British commissioners, and that of our being present at the conference of the 1st of December.

"1. As to the durable character of the treaty, I think all of us, (except Mr. Adams,) concurrent in believing that the provisions respecting the fishing grants, *within the British exclusive jurisdiction*, and the navigation of the Mississippi, expired on the breaking out of the war. Why he calls it the American doctrine, I do not know. If it be true, it is the doctrine of the publick law. If he means to say that it is American because we were most interested in maintaining it, he is mistaken. If the superiority of interest should determine the national character of the doctrine, it ought to be called British. Then why did we

take the ground which we did, in our note of the 10th of November? For the reason already assigned. It was the best we could occupy. It was plausible, and might serve, as probably it subsequently did serve, to enable us to make some satisfactory arrangement with Great Britain in regard to the fisheries. We were bound to say something, or acknowledge, by our silence, the principle asserted by the British commissioners, on the 8th of August. By taking the ground which we did, if it were not absolutely tenable, we were better off than to have stood mute.

"2. As to the navigation of the Mississippi, that the offer of it was the work of a majority, in which we did not participate, cannot be denied. What puts this matter conclusively at rest is, the despatch signed by all the American commissioners to the secretary of state, under date of the 25th of December, accompanying the treaty, in which it is stated: 'To place both points [i. e. the navigation and the fisheries] beyond all future controversy, a *majority* of us determined to offer to admit an article confirming both rights.' You will no doubt recollect, that I suggested, when we went to sign that despatch, the insertion of the words 'a *majority*;' and my purpose for doing it was not mistaken. Why did we sign the communication to the British commissioners of the 14th December; and why were we present at the conference of the first, without objecting to that article? If we had failed to subscribe that communication, or if we had objected to the article at the conference, it would have, in effect, notified to the British commissioners a serious division amongst us, than which, nothing could have been more unfortunate. Our signatures nor our presence no more proved our assent to the article, than the signature of an arbitrator to an award proves his assent to it when it was carried by the majority against his opinion, or an assent by a member of an aggregate body

to all the transactions of that body which happened during his presence; all that it was material to the British commissioners to prove was, that the offer was the act of the American commissioners, which it would equally have been, whether carried unanimously, by a majority of four, or a majority of three. How it was carried, (that is, by what majority,) it was unnecessary for them to know, but might to us have been highly injurious. But it was material that our own government, to which we were responsible, should know how we did act; and accordingly, when we came to address it, we informed it that it was the affair of the majority, &c.

" It was the less necessary for us to disclose the fatal secret of our divisions to the enemy, because the proposition might be rejected, might be modified during the negotiation, so as ultimately to be acceptable, or less objectionable to us, or finally might be withdrawn. It was withdrawn; and, thereby, that was ultimately done, which we at first proposed, and a clear demonstration was given of the indiscretion which would have characterized a gratuitous disclosure of the divisions among the American commissioners.

" When I spoke to you at Washington, of our instructions being opposed to the article in question, I alluded more particularly to that part of them which related to the fisheries, our right to which we were forbidden to discuss, &c.

" The authority to treat on the basis of the status ante bellum, which we did not receive until two or three weeks after the discussion in our board, which, as before mentioned, was closed by the paragraph in our despatch of the 10th of November, did not authorize us to propose the article which we did, concerning the navigation of the Mississippi, if, as I think, that article in effect would have amounted to a grant of the navigation, in the whole extent

of the river, from the source to the Belize. For what was the status ante bellum of that subject? The subjects of Great Britain had no right, either by the treaty of 1783 or by that of 1794, to navigate that river within the Spanish jurisdiction; and the sovereign rights of Spain over that river, were not vested in us until the conclusion of the treaty of Louisiana in 1803. It has been said, that during thirty years no use was made by British subjects of that river. During a great part of the same thirty years, (until the year 1795,) no use, for purposes of commerce, was made of it by the citizens of the United States; and for the same reason in both instances, that is, that Spain held both sides of it, from the mouth to the 31st degree of north latitude, and the west side up to its source.

" Nothing would be more painful to me than to be drawn, even remotely, into the unhappy controversy between Mr. Adams and yourself—a controversy in which the party the most successful, will be the loser in the publick estimation. I certainly thought that the publick ought to have been put in possession of the whole of the official transactions of the mission of Ghent, not knowing myself of any sufficient reason for withholding any part of them. But I do not think that any *private* letters ought to have been communicated by the president. Far from stimulating, as I think he did, perhaps unintentionally, a call upon him for your letter along with Mr. Adams's remarks, he ought, in my opinion, to have refused such a call, however unequivocally made. Your letter, which I believe you showed me at Paris, I supposed was written to explain the grounds on which you had proceeded, and to be used defensively, upon the possible contingency of a misrepresentation or misconception of your course. No such contingency had occurred."

" What would aggravate the pain which I should feel,

even at the necessity of my testifying to any of the transactions at Ghent, in a controversy between two of my colleagues, is a consideration of the relation in regard to the subject, in which I stood to Mr. Adams; the relation in which I now stand to him, and in which we both appear to the publick, and the friendly relation which I have ever borne to you. I should hope that a necessity may not arise for me to appear in any form before the publick. Would it not be most advisable for you to state what really occurred, without appealing to any person to confirm your statement? Would not such an appeal be a departure from self-respect and self-dignity, as implying a consciousness that it was necessary? Already, I understand, it has been said, at the metropolis of a great state, that *I* have prompted the call for your *letter*, than which nothing can be more incorrect. I mention the incident, not that I care for it, but to show you the distrustful state of the publick mind.

" This letter is not written for the publick eye, but for our own. I am most anxious to see the publication, which you intimate was shortly to appear after the date of our letter. So far as the subject and the argument are concerned, you cannot fail to achieve a signal triumph over your antagonist. And I repeat, in conclusion, the hope that, so far as there is any thing personal, you will be able fully to vindicate yourself in respect to the variance between your two letters.

" Be pleased to present my best respects to Mrs. Russell; and believe me sincerely and cordially yours,

(Signed) " H. CLAY."

The Honourable Mr. RUSSELL."

" P. S.—In the session of congress of 1815—16, in a debate on the state of the union, I addressed the house of representatives, in vindication of the war, the terms of

peace, &c. In the course of my speech, I stated that a *majority* of the American commissioners had made the offer of the navigation of the Mississippi for the fishing liberties. My speech was published in the Intelligencer, and other prints of the day.

"H. C."

NOTE 2.

When the vote in favour of acknowledging the independence of Spanish America had been passed, Mr. Clay made a motion in the house of representatives, that a committee should be appointed to give Mr. Monroe information of what had been done. The motion prevailed, and Mr. C. was made chairman of the committee. By a portion of the administration party, this appointment, at the time, was considered disrespectful to the president. On the subject of South American independence, Mr. Monroe and Mr. Clay had, for years, been opposing each other—the one using the influence of office, and the other exerting the power of eloquence; and it was deemed improper that the latter, after gaining the victory, should be the person selected to announce the issue to his vanquished antagonist. Mr. Nelson, of Virginia, was particularly exasperated. He walked from the capitol to the president's house, raving like a maniac, and muttering, that Mr. Clay, not content with having thwarted the policy of Mr. Monroe, had gone to beard him in his own home. Mr. C., however, instead of wounding Mr. M.'s feelings unnecessarily, communicated this message with all the peculiar and flattering delicacy which uniformly marked his personal deportment.

It is, perhaps, unnecessary to add, in this place, that

Mr. Clay's popularity in South America has been, and still continues to be, unbounded. During the Spanish struggle, his speeches were read repeatedly at the head of the patriot army; and, as often as they were heard, the flame of valour burst out anew. Both by officers and soldiers he was looked to as a patron saint; and many were the letters that he received, expressive of the blessings which were daily breathed to his name.

NOTE 4.

A little incident grew out of Mr. Clay's exertions upon the tariff, which, at the time, afforded great amusement in Washington, and throughout Virginia generally. On the appearance of his great speech, Mr. William B. Giles, since governor of Virginia, published a series of articles, entitled, "The Golden Casket;" wherein the champion of American industry was made the subject of the most intemperate, though impotent vituperations. Mr. C. naturally read the articles, but knowing the infirmities of the author, he could not think of resenting the language of insult wherewith they were made up. Feeling, however, in rather a light mood, and having nothing to engage his particular attention at the moment, he determined to pass off a jest upon his calumniator. With this view, he took up his pen, and addressed a long letter to Mr. Giles, complimenting him upon the vigour of his intellect, and praising him especially for all those qualities which he was notorious for not possessing. After finishing it, he handed it to Mr. Archer of Virginia, and several other personal friends, all of whom laughed immoderately over the contents, and insisted on its being sent to Mr. Giles. Accordingly it was sent. The old gentle-

man, as had been foreseen, read it with extraordinary satisfaction and self-complacency. The praise which it contained was exactly that for which he had most thirsted—the praise of his weakest traits of character. He read it again and again, and at each successive reading his heart softened toward the author, till at length he remarked, that, if he had received it prior to the publication of his "Golden Casket," he should have spoken of Mr. Clay in that work very differently. He next commenced reading the letter to his friends, to show them in what estimation he was held by the American orator and statesman; but, unluckily, almost the first person who heard it, had the sagacity to discover its true import, and immediately gave circulation to the story of the jest. Every body was now anxious to see the letter, and some diversity of opinion arose as to its character. A few of Mr. Giles' adherents contended that it had been written in good faith; but a majority of the community united in the opinion that Mr. G. had been most laughably and deservedly hoaxed. The dispute was carried so far, that the two parties became quite violent—the one in anger, and the other in merriment. At length Mr. Archer, who lived in the same district with Mr. Giles, returned from congress, and explained the whole matter, and the merriment now became universal. This was more than Mr. G. could bear. Consequently, at the opening of the next session of congress, he sent *his son*, a lad about sixteen years of age, to demand an explanation from Mr. Clay. Mr. C. received the boy very kindly; and the latter, producing the famous letter, told Mr. Clay, with some trepidation, that he was authorized by his father to demand, whether he were the author of that communication, and, if so, what were his motives in making it. Mr. C. heard the boy's message, and then remarked to him civilly,—“Tell your father—

that I shall make no explanation to him through his own son. If he will employ a proper messenger, I will render him another answer." The lad withdrew, and Mr. Clay heard nothing from Mr. Giles afterwards.

NOTE 5.

Mr. Clay's appeal to the house, though never accurately reported, was substantially as follows:—

"*Gentlemen of the House of Representatives:*—A note appeared this morning in the National Intelligencer, under the name, and with the authority, I presume, of a member of this house, wherein he adopts, as his own, a previous letter, published in another print, containing serious and injurious imputations against me, which he avows his readiness to substantiate by proof. These charges implicate my conduct in regard to the pending presidential election; and the respectability of the station which the member holds, who thus openly prefers them, and that of the people whom he represents, entitle them to your attention. It might, indeed, be worthy of your consideration, whether the character and dignity of the house itself does not require a full investigation of them, and an impartial decision on their truth. For if they are true—if I am base enough to betray the solemn trust which the constitution has confided to me—if, yielding to personal views and considerations, I am capable of committing the highest interests of my country, the house cannot but be scandalized by my continuing to occupy the chair, with which I have been so long honoured in presiding at its deliberations, and I merit instantaneous expulsion. Without, however, presuming to indicate what the house may conceive it ought to do on account

of its own purity and honour, I hope I shall be allowed respectfully to solicit, in behalf of myself, an inquiry into the charges to which I refer. Standing, in relation to the house, as both the member from Pennsylvania and myself do, it appears to me that here is the proper place to institute the inquiry, in order, that if guilty, here the proper punishment may be applied; and, if innocent, that here my character and conduct may be vindicated. I anxiously hope, therefore, that the house will direct an investigation to be made into the truth of the charges. Emanating from the source they do, this is the *only* notice which I can take of them. If the house shall think proper to raise a committee, I trust that some other than the ordinary mode pursued by the house, will be adopted to appoint the committee."

The committee's report is here subjoined.

"The select committee, to which was referred the communication of the speaker, of the third instant, report—

"That, upon their first meeting, with a view to execute the duty imposed upon them by the house, they directed their chairman to direct a letter to the Hon. George Kremer, informing him that they would be ready, at a particular time therein stated, to receive any evidence or explanation he might have to offer, touching the charges referred to in the communication of the speaker, of the 3d instant. Their chairman, in conformity with this instruction, did address such a letter to Mr. Kremer, who replied, that he would make a communication to the committee;—accordingly, he did send to them, through their chairman, a communication, which accompanies this report, in which he declines to appear before them for either of the purposes mentioned in their letter; alleging, that he could not do so without appearing either as an accuser or a witness, both of which he protests against. In this

posture of the case, the committee can take no further steps. They are aware that it is competent to the house to invest them with power to send for persons and papers, and, by that means, to enable them to make any investigation which might be thought necessary; and, if they knew any reason for such investigation, they would have asked to be clothed with the proper power: but, not having themselves any such knowledge, they have felt it to be their duty only to lay before the house the communication which they have received."

NOTE 6.

It is worthy of being remarked, that Mr. Clay's constituents gave repeated manifestations of their approval of his vote; and finally, in 1828, after a protracted and bitter canvass between Mr. Adams and General Jackson, by a large majority, voted for Mr. Adams, as he had done in February, 1825.

NOTE 7.

A letter, which Mr. Clay addressed to his friend, Judge Brooke, about that time, may serve as an index to his feelings. We subjoin it.

WASHINGTON, 28th Jan. 1825.

My Dear Sir—My position, in relation to the presidential contest, is highly critical, and such as to leave me no path on which I can move without censure. I have pursued, in regard to it, the rule which I always observe in the discharge of my publick duty. I have interrogated my conscience as to what I ought to do, and that faithful

guide tells me that I ought to vote for Mr. Adams. I shall fulfil its injunctions. Mr. Crawford's state of health, and the circumstances under which he presents himself to the house, appear to me to be conclusive against him. As a friend to liberty and to the permanence of our institutions, I cannot consent, in this early stage of their existence, by contributing to the election of a military chieftain, to give the strongest guarantee that this republick will march in the fatal road which has conducted every other republick to ruin. I owe to your friendship this frank exposition of my intentions. I am, and shall continue to be, assailed by all the abuse, which partisan zeal, malignity, and rivalry, can invent. I shall view, without emotion, these effusions of malice, and remain unshaken in my purpose. What is a publick man worth, if he will not expose himself, on fit occasions, for the good of his country?

As to the result of the election, I cannot speak with absolute certainty; but there is every reason to believe that we shall avoid the dangerous precedent to which I allude.

The Hon. F. BROOKE.

H. CLAY.

NOTE 8.

The paper here alluded to by Mr. Adams, is so beautiful, so eloquent, and so just, that it deserves to be held in remembrance. The gentlemen to whom it was written, had expressed, on his retirement from office, their confidence in his purity and his patriotism, and a hope that the evening of his days would be passed in that tranquillity which is only the lot of the good. He replied as follows:

"Fellow-citizens—I have received your very kind let-

ter of the 4th instant, written in behalf of the citizens, whose committee you are, and tender to you and to them my grateful thanks, for the sentiments you have been pleased to express, with regard to myself, and to the citizens associated with me in the late administration of the general government. The letters to Mr. Clay and Mr. Southard, enclosed in yours to me, have been delivered to them.

In a free republick, the first wish of every man invested with a publick trust, should be, by his faithful discharge of his duty to his constituents, to deserve, and the second to obtain, their approbation. For the first, depending, as it does, upon his own will, he is responsible to God and his country. For the second, depending, as it does, upon the will of others, he can be no further responsible than by the performance of his duties. As the re-election of a president of the United States, after one term of service, is the only manifestation of publick opinion by which the approbation of his fellow-citizens, upon his services can be ascertained, it is an object of laudable ambition, and of blameless desire. If it cannot be obtained by publick service alone, the duty of the servant, who has failed to obtain the approbation of his masters, is cheerfully to acquiesce in that expression of their will by which it is denied, and calmly to await that final judgement upon his publick labours and aspirations, which speaks in the impartial voice of after ages.

"In the recent expressions of the will of the people of the Union, with regard to the general administration, it has been consolatory to me to observe the large and respectable portion of them, who, though not composing a majority of the whole, yet comprised upwards of half a million of suffrages, and proclaimed by those suffrages, their approbation of my humble but faithful efforts to serve

my country. It has been peculiarly grateful to me to perceive, that the support of those who had extended to me their confidence in advance, has, in very few instances, been withdrawn; while that of whole states, which had judged less favourably before, has been generously yielded to me now. Of these, New-Jersey herself is one; and permit me to avail myself of this occasion, to extend to the whole of her pure, unsophisticated, truly republican, and intelligent population, my heartfelt thanks for that support. Let me add, that in one of her native sons I have found, as an assistant in the arduous duties of my station, a man with a heart as pure as it is given to human nature to possess—with a mind capable of those conceptions which lead nations to the paths of glory—with a promptitude and energy of action which disappointment cannot discourage, nor the infirmities of disease depress: the navy of this nation will remember him long. Nor is it, I trust, within the compass of political vicissitude, to withhold him long from participation in the highest councils of our country. I need not say it is one of those (Mr. Southard) to whom your enclosed letters were addressed.

“ The other is equally worthy of the honour in which you have associated him with me by your letter. Upon him the foulest slanders have been showered. Long known and appreciated, as successively a member of both houses of your national legislature, as the unrivalled speaker, and, at the same time, most efficient leader of debates in one of them;—as an able and successful negotiator for your interests in war and in peace, with foreign powers, and as a powerful candidate for the highest of your trusts. The department of state itself was a station, which, by its bestowal, could confer neither profit nor honour upon him, but upon which he has shed unfading honour, by the manner in which he has discharged its duties. Prejudice and

passion have charged him with obtaining that office by bargain and corruption. Before you, my fellow-citizens, in the presence of our country and of heaven, I pronounce that charge totally unfounded. This tribute of justice is due from me to him, and I seize, with pleasure, the opportunity afforded me by your letter, of discharging the obligation.

"As to my motives for tendering to him the department of state when I did, let that man who questions them come forward. Let him look around among statesmen and legislators of this nation and of that day. Let him then select and name the man whom, by his pre-eminent talents, by his splendid services, by his ardent patriotism, by his all-embracing public spirit, by his fervid eloquence in behalf of the rights and liberties of mankind, by his long experience in the affairs of the Union, foreign and domestic;—a president of the United States, intent only upon the honour and welfare of his country, ought to have preferred to **HENRY CLAY**. Let him name the man, and then judge you, my fellow-citizens, of my motives.

Nor can I pass over this opportunity, without offering a congenial tribute of justice and of gratitude to those other eminent and virtuous citizens, who have been united with me in the performance of my painful, but I will not say, thankless labours. I took not one of them from the circle, though I leave every one of them among the dearest of my personal friends. Amidst all the difficulties, discouragements, and troubles, which have attended my administration, it has been a never-failing source of consolation to me, that its internal harmony has been more perfect than that of any other administration which this country has ever witnessed.

"Of the qualifications of the secretary of the treasury, (Mr. Rush,) let his annual reports upon the finances, com-

pared with those of all his predecessors—let the payment of thirty-three millions of the public debt, during the four years of his agency—let his indefatigable industry and assiduity, in the discharge of all the duties of an office, burthened with them almost beyond the ability of human endurance—let the urbanity of his manners, and the courtesy of his deportment, to the innumerable claimants upon the treasury, who have approached him in the successive years, through which, but for the intervention of disease, he has been absent from his office not a single day:—let these be the decisive tests. Descended from parents, of whose character, both public and private, Pennsylvania and New-Jersey have equal reason to be proud, well has he sustained, and does sustain, the honour of his name. His services and his friendship to me have been inestimable; and, in parting with him, I confidently trust that his future services will not be lost to the sagacity of his native state, or of the Union.

In the department of war alone did a change take place of the person at its head, during the progress of my administration. It was, at first, conferred upon a citizen of Virginia, (Mr. Barbour,) long possessed of the highest confidence of that great and honourable commonwealth;—her governor in the days of danger and of invasion during the late war;—her senator at the time I invited him to preside over that department. He had been a warm supporter of one of my competitors at the election; but his opposition to me had been that of a liberal and honourable mind. His fulfilment of the duties of the department fully justified the confidence I had reposed in him; and he recently left it only for the most important of our missions abroad, in which he is now ably and faithfully maintaining the honour and interests of our country.

His successor, (Gen. Porter,) was a citizen of New-

York, also highly distinguished by the honours of his native state and of the Union;—one of the members of that congress which vindicated the traduced honour and spirit of the nation, by the declaration of war in 1812;—one of the warriors, whose gallant achievements during the war have been recorded in the solemn legislative thanks of his country;—since intrusted with an arduous commission for the settlement of her boundaries;—and, when invited by me to a share in the councils of the Union, a member of the legislature of New-York. His services in the department of war have been also satisfactory and effective; and he leaves to his successor an official reputation, which it will be praise enough to him to maintain unimpaired.

The attorney-general, (Mr. Wirt,) was also an adopted citizen of Virginia, not less distinguished by the classical elegance of his taste in literature, than by his profound learning in the law, and his commanding eloquence at the bar. The biographer of Patrick Henry—the painter of manners and instructor of morals—at an early period of life appointed and commissioned by my predecessor, I deemed myself, and the country, fortunate by his continuance in the same capacity during my term of service. Educated and inclining to a rigorous construction of the extent of constitutional power, his professional advice has been the more readily confided in by me, as its tendencies always were rather to the limitation, than to the enlargement of its exercise; for, in the whole course of my administration, I have deemed it safer to abstain from the use of any questionable authority, than to hazard the encroachment of power, by assuming, unnecessarily, the decision of disputed points.

Such, fellow-citizens, have been the associates of my official duties, in the conduct of my administration. Unable to bestow upon them any other reward for their faith-

ful and zealous service to their country, than this testimonial of my gratitude and esteem, it is with a pleasure not inferior to that which I receive from your friendly estimate of my own endeavours, that I shall cherish the assurance of your approbation extended to them.

With regard to those apprehensions of future evil which your solicitude for the welfare of our country has inspired, in looking forward to the administration of my successor, it becomes me, perhaps, only to say, that I hope they may prove unfounded. To a president of the United States, the favour of the people is an instrument of beneficent power, more potent than an imperial sceptre. But it is in the fortunes of nations, and especially in the improvement of their condition, that the history of their benefactors must be traced. It is in the ages of posterity this history must be read. If, in the reform of abuses, which have escaped the vigilance of my observation, the president of the United States shall introduce none of deeper consequence and more alarming magnitude, I shall myself be ready to mingle in the voice of gratulation, at the deeper penetration, or more efficient energy, which shall discern the latent defect, and apply the corrective remedy. Should the promise of reform itself be wasted upon trifles, undiscernible to the eye of posterity, or be spent upon the palpitations of heart between the incumbent and the expectant of official emoluments, the nation will enjoy little benefit, and suffer little injury by the change. *That* is not a plant, the root of which will strike to the centre, and the stem of which will ascend with fragrance to the skies. With you, my countrymen, I am disposed to hope and pray for the best; to extend to the administration every reasonable indulgence which they may need; and to give them credit for every good deed they may perform for the promotion of the general welfare.

"Accept, gentlemen, for yourselves, and those whom you represent, the respectful salutations of your friend and fellow-citizen,

JOHN QUINCY ADAMS."

WASHINGTON, 11th March, 1829.

NOTE 9.

The incident to which Mr. Adams here alludes, we suppose to be Mr. Clay's duel with John Randolph. Mr. A. is right in his supposition, that Mr. C. regrets this incident—he certainly does regret it. No man is less a duellist in principle than himself. Five years ago, he remarked, in an address to his fellow-citizens—"I owe it to the community to say, that, whatever heretofore I may have done, or, by inevitable circumstances, may be forced to do, no man in it holds in deeper abhorrence than I do, the pernicious practice of duelling. Condemned, as it must be, by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling, about which we cannot, although we should, reason. The true corrective will be found, when all shall unite, as all ought to unite, in its unqualified proscription."

We have strong doubts whether any possible combination of circumstances can justify a duel; but certainly those in which Mr. Clay was placed, approximated as near to a perfect justification, as circumstances ever did or ever can. There is much truth in the following paragraph, which we extract from a letter recently sent us by a gentleman, who has stood far higher than Mr. Randolph in office, as well as in public estimation.

"It is pretty well known to the nation at large, on the

political boards of which Mr. Randolph has so long been an actor of all-work, that whatever other qualifications he may possess, malignant passions abound in him, and that his tongue is little scrupulous in giving vent to them. They overflowed in epithets of even more than his usual venom and scurrility upon Mr. Clay. I do not mean, by the remark, to justify the latter in the course he took; for besides other objections to it, it gave to Mr. Randolph a certain political consequence which he could not have reached without it. But the remark may suggest some excuse, as showing the event to have sprung from the frailties of an honourable mind, roused, at last, by attacks that had become rather personal than political."

Mr. Randolph having resolved, near the time of the adjustment of the Missouri question, to have an affair of honour with Mr. Clay, kept his resolution ever afterwards steadily in view. The motives by which he was actuated it is difficult to conjecture. That he hated Mr. Clay for having triumphed over him so often and so signally, admits of no doubt. Perhaps he reflected, that if he succeeded in killing Mr. Clay, his long-cherished malice would be gratified; and that, if he himself fell by Mr C.'s hand, he should be consecrated in the minds of the multitude, like a tree in ancient times, when struck by lightning.

Mr. Randolph's seat in the senate, during Mr. Clay's secretaryship, gave him an opportunity to effect his object. How did he use it?—By assailing Mr. C.'s personal character—by calling him a blackleg—by stealing, in short, "a leaf from the curse-book of Pandemonium," to abuse and insult him. He knew that Mr. Clay was surrounded by his family. He knew that his every word, whether spoken in his sober or inebriated moments, was pregnant with death to the pride and the happiness of the

innocent and the lovely. Although he himself had no family—although he was the individual, in reference to whom a distinguished friend of ours once thanked God in congress, that monsters could not perpetuate their species;—still he must have known, from hearsay, that the feelings of a wife and a daughter are keenly sensitive. Had Mr. Clay held a seat in the senate, Mr. Randolph, dark as were his designs, and much as he longed for a quarrel, would not have dared to use the language of open outrage. There was ever something in Mr. C.'s eye, before which his spirit quailed and blinked like a frightened thing. It is said to be in the order of nature, that even the fierce crest of the wild-cat cowers before the majesty of a god-like face. Mr. Clay, however, was absent; and every day of his forbearance added bitterness to the insults that were heaped on him. What could he do? Undoubtedly that religion, whose kingdom is not of this world, required him to endure patiently unto the end. It is a matter of regret that he did not;—but who shall censure him harshly for having, in a moment of uncontrollable exasperation, turned upon his pursuer, and dared him to single combat!

Of the duel itself it is not necessary to say much. Mr. Randolph, in defiance of established usage, went upon the field in a huge morning-gown; and the seconds, had not Mr. Clay interfered, would have made this singular conduct the occasion of a quarrel. In due time the parties fired; and, luckily for both of them, or at least for Mr. Clay, Mr. Randolph's life was saved by his gown. The unseemly garment constituted such a vast circumference, that the locality of "the thin and swarthy senator" was, at least, a matter of very vague conjecture. Mr. C. might as well have fired into the outspread top of an oak, in the hope of hitting a bird that he supposed to be snugly perched somewhere among the branches. His ball hit the centre

of the visible object, but Randolph was not there—and, of course, the shot did no harm, and no good. After the first discharge, Mr. Randolph, by firing into the air, showed his disinclination to continue the fight, and is now living "to fight another day."

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